

(Also Part II, Federal Firearms Act, Section 1.)

Rev. Rul. 55 569n

A device ostensibly designed for submarine spear fishing, but capable of chambering and firing .22 caliber rimfire ammunition, is a firearm within the purview of the National Firearms Act. However, such device, if permanently attached to the speargun shaft by the manufacturer, would not be a firearm.

Advice has been requested whether the following described device, ostensibly designed for submarine spear fishing but capable of chambering and firing .22 caliber rimfire ammunition, is a firearm within the purview of the National Firearms Act and/or the Federal Firearms Act.

The device, referred to as a "powerhead," is approximately 12 inches in overall length and $\frac{5}{8}$ inch in diameter. It employs a unique spring-actuated firing mechanism and an off-center .22 caliber chamber opening into a $\frac{3}{8}$ inch barrel, 1 and $\frac{15}{16}$ inches in length. The barrel must be removed to chamber a cartridge and the device is contact-fired by an outside trigger rod extending beyond the muzzle.

Examination of the powerhead and consideration of the brochures relating thereto results in the conclusion that it is a device from which a shot can be discharged by the action of an explosive and is capable of being concealed on the person. Accordingly, the powerhead, by itself, is a firearm within the purview of the National Firearms Act, specifically, sections 5848(1) and 5849(5) of the Internal Revenue Code of 1954. However, if the powerhead is permanently attached to the speargun shaft by the manufacturer, thereby increasing the overall length of the device to not less than four feet, the speargun with powerhead attached would not be a firearm within the purview of the National Firearms Act or the Federal Firearms Act.