



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

JAN 13 2010

903050:MCP
3311/2010-084

Dear 

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), pertaining to curio or relic ("C&R") classifications. Specifically, you asked about the C&R status of a Walther, Model P38, 9mm Luger caliber semiautomatic pistol, serial number 369612, which was purchased by the Norwegian military.

As background, the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), defines the term "firearm" to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive....*

Further, as specified in the definition provided in 27 CFR § 478.11, C&R firearms have a special value to collectors based on their possession of certain qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. *Have been manufactured at least 50 years prior to the current date (replicas not included); or*
2. *Be certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curio or relic firearms of museum interest; or*
3. *Derive a substantial part of their monetary value from the fact that they are novel, rare, or bizarre, or from the fact of their association with some historical figure, period, or event.*

The *Firearms Curios or Relics List*, ATF P 5300.11, is a cumulative digest of determinations made by the Bureau and is not inclusive of all weapons meeting C&R classification. Firearms listed in ATF P 5300.11 that are over 50 years old are considered "relics." Webster's II New Riverside Dictionary defines "relic" to mean, in part, *something that has survived from a past culture or period....*

Mr. [REDACTED]

Other firearms listed in ATF P 5300.11 are considered "curios" because they fall under Category 3 noted above, deriving a substantial part of their monetary value from the fact that they are novel, rare, or bizarre, or from the fact of their association with some historical figure, period, or event. Webster's *Ninth New Collegiate Dictionary* defines "curio" to mean "something considered novel, rare or bizarre."

The definition for C&R firearms found in 27 CFR 478 does not specifically state that a firearm must be in its original condition to be classified as a C&R firearm. However, ATF Ruling 85-10, which discusses the importation of military C&R firearms, notes that they must be in original configuration and adds that a *receiver* is not a C&R item. Reviewing this ruling and the definition of C&R firearms, FTB has concluded that a firearm must be in its original configuration to be considered a C&R weapon.

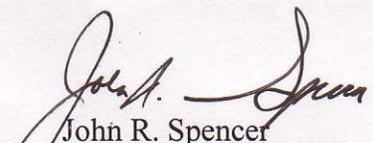
As you may be aware, firearms automatically attain C&R status when they are 50 years old. The start time for this determination is the day the firearm is manufactured, not the day it is shipped from the factory. Any firearm that is at least 50 years old, and in its original configuration, would qualify as a C&R firearm.

Our research confirmed that *Carl Walther Waffenfabrik*, Ulm, Germany, shipped a quantity of 1000 Walther, Model P38, 9mm Luger caliber semiautomatic pistols to the Norwegian military, Oslo, Norway, in October 1975. Further, we found that these pistols command a substantially higher monetary value (two-three times higher) than standard Walther P38 pistols.

Based on our research and evaluation of your inquiry, FTB has concluded that Walther, Model P38, 9mm Luger caliber semiautomatic pistols having serial numbers within the range **369001 – 370000**, and bearing the Norwegian Army Ordnance crest on the slide (see enclosures), derive a substantial part of their monetary value from the fact that they are rare and, therefore, qualify as C&R firearms under Category 3 of the above-cited criteria.

We thank you for your inquiry and trust that the foregoing has been responsive.

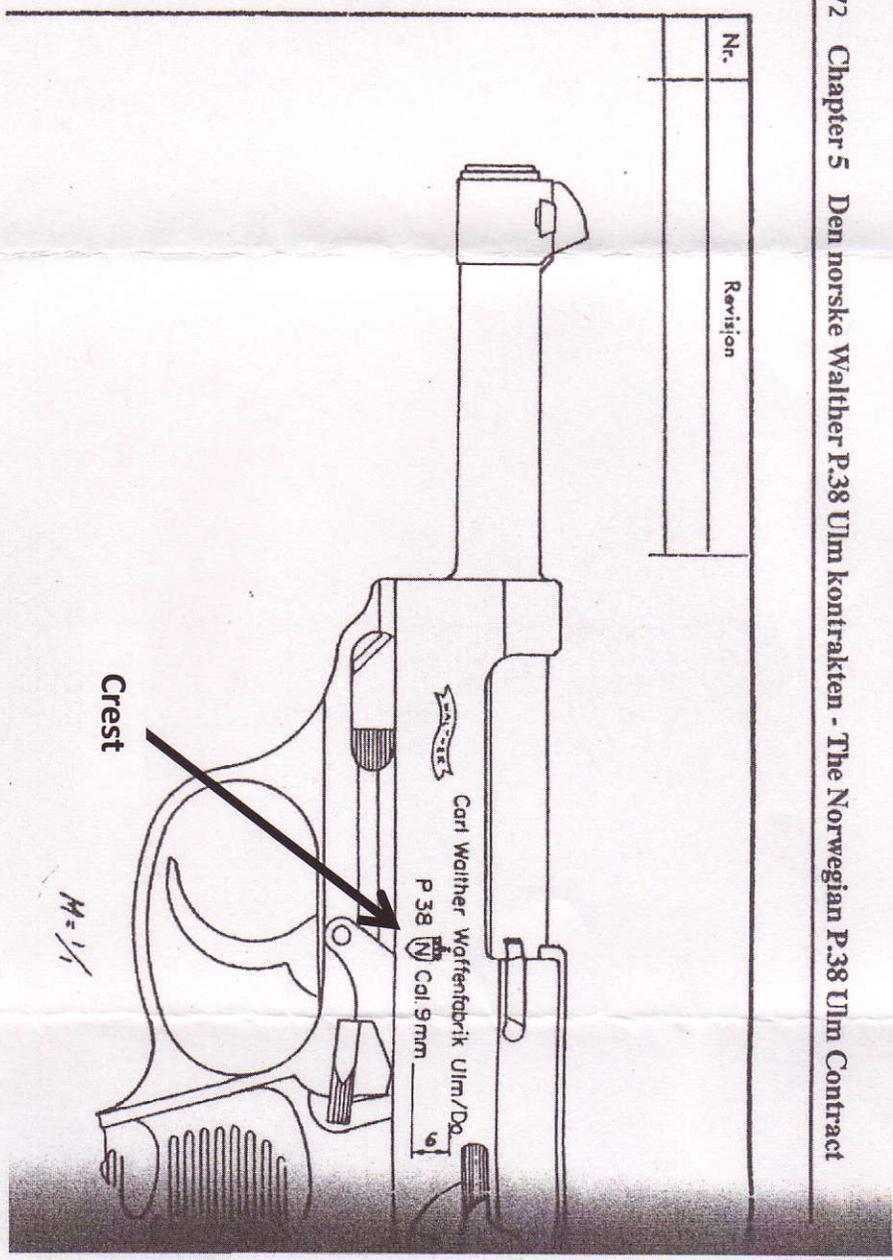
Sincerely yours,

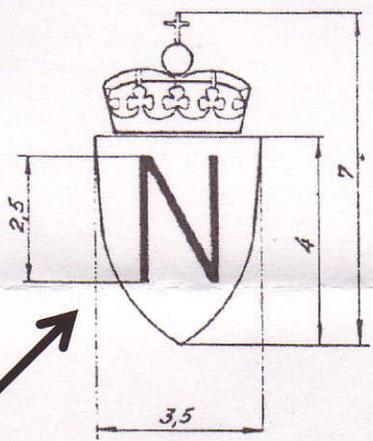

John R. Spencer
Chief, Firearms Technology Branch

Enclosures

272 Chapter 5 Den norske Walther P.38 Uim kontrakten - The Norwegian P.38 Uim Contract

Nr.	Revision





Crest

Gjenstand	Ant. pr. sett	Materiale	Yekt	Anm.
		P 38 N Cal. 9 mm Kennzeichnung	Målestokk	Tegn. <i>[Signature]</i> Kfr. Kontr. <i>T. Inge</i>
				Tegn. dato: 15. okt. 1962
gitt gjelder:		HÆRENS VÅPENTEKNISKE KORPS Generalfelttøymesteren <i>[Signature]</i>	Erstatning for:	3-3069
		Tegnekontoret:	Erstattet av:	
	R.	Godkjent:	Kat. nr.	
			Arkiv:	3-2-37-D