



## U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

May 4, 2006

### **Flare Insert – Any Other Weapon**

ATF's Firearms Technology Branch (FTB) is aware of an insert/sleeve designed to be installed in an Orion 25mm/12 gauge flare launcher that allows the use of conventional ammunition in these flare launchers. FTB was contacted by Orion, who indicated that these flare launchers are not designed to accept standard ammunition, and that the use of an adapter in conjunction with conventional ammunition would likely result in a catastrophic failure of the flare launcher.

There are two sizes of inserts available; one size for a 12 gauge flare launcher and one for a 25mm launcher. These insets are smooth bore and capable of accepting a variety of different types of conventional ammunition.

It is the determination of FTB that if these inserts are installed in a flare launcher or are possessed with a flare launcher they would be classified as an "Any Other Weapon," which is a firearm subject to the provisions of the National Firearms Act (NFA).

26 U.S.C. § 5861(d) states that it is unlawful to receive or possess an NFA firearm which is not registered in the National Firearms Registration and Transfer Record. Violation of the cited section by an individual is a felony subject to a maximum penalty of 5 years imprisonment and/or a fine of \$250,000. In the case of a violation by an organization, the maximum penalty is a \$500,000 fine. In addition, 18 U.S.C. § 2 provides that a person who knowingly aids and abets another person in the commission of an offense is also responsible for the offense. Thus, the sale of components in violation of § 5861(d) may place the seller in violation of 18 U.S.C. § 2, as well.

If these flare launchers (see following photograph) are encountered use caution as they may have been converted into a weapon capable of expelling a projectile.



FTB personnel conducted testing using four flare launchers provided by Orion. The purpose of this testing was to determine the efficacy of certain adapters which allow the use of conventional ammunition in the Orion flare launchers. Orion submitted two each of their 12 Gauge and 25mm flare launchers:



The adapters available for these flare launchers allow the use of .38 special caliber ammunition in the 12 Gauge flare launcher, and allow the use of 12 Gauge ammunition in the 25mm flare launcher. These adapters may also be used together to allow the use of .38 special ammunition in the 25mm flare launcher.

FTB personnel fabricated two adapters to fit the flare launchers. 6061 aluminum was used to make the adapters. 6061 is the same alloy used to make an adapter currently being marketed online. Views of the fabricated adapters and corresponding flare launchers follow.



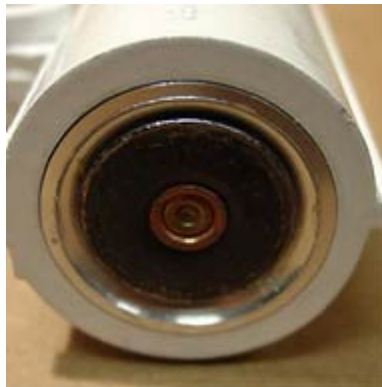
.38 adapter for 12 Gauge flare launcher



.38 adapter for 12 Gauge flare launcher installed view



12 Gauge adapter for 25mm flare launcher



12 Gauge adapter for 25mm flare launcher installed view

With the adapters completed, FTB personnel conducted live fire testing. The live fire testing resulted in the eventual destruction of all four flare launchers, and confirmed that the use of these adapters in conjunction with conventional ammunition is likely to result in a catastrophic failure of the flare launcher.



12 Gauge flare launcher #1



12 Gauge flare launcher #2



25mm launcher #1.



25mm launcher #2