



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

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Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

August 21, 2025

903070:AJS  
25-863473  
555.141  
5401

Mr. Carl Forsell  
President  
ForseMark, LLC  
2002 Highland Drive  
Norfolk, Nebraska 68701

Dear Mr. Forsell:

This is in response to your request letter dated August 12, 2025, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Explosives Industry Programs Branch (EIPB). On behalf of ForseMark LLC, you requested a determination pursuant to the regulations at Part 555, Subpart H—Exemptions, for your ForseMark 9mm 101 Grain Extreme Tactical Impact Round (ForseMark). In your correspondence, you submitted a product description, safety data sheets, test reports, and pictures of the ForseMark round.

According to your request, ForseMark LLC holds a type 06 – Manufacturer of Ammunition FFL (5-47-03101) and is evaluating the feasibility of manufacturing the ForseMark round. You described the ForseMark as a round that is designed as a non-lethal substitute for conventional distraction devices. You asserted the ForseMark will be exclusively marketed and sold to government and law enforcement entities.

The ForseMark resembles standard 9mm ammunition, however there is a pistol primer embedded in the nose of the projectile. During the manufacturing process, a pistol primer (standard Winchester primer or similar) is inserted just below the meplat of the projectile (Refer to Figure 1). This primer in the projectile is in addition to the primer used to ignite the smokeless powder upon normal function of a firearm. The meplat is closed until it makes contact with the nose primer and a coating of ethyl cyanoacrylate is applied. You stated that prior to installation in the projectile, the primer is not modified in any way, nor is it distorted during installation. The ForseMark is intended for use in 9mm firearms.

Mr. Carl Forsell

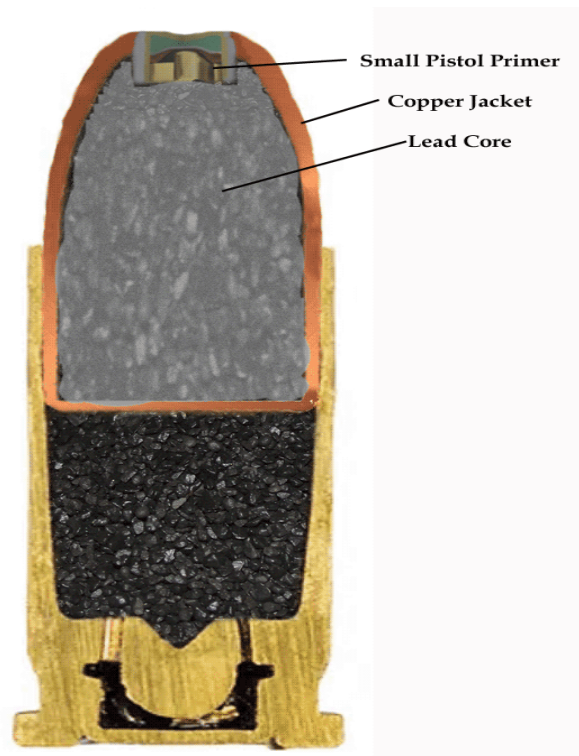


Figure 1 – Cutaway

### **Determination**

The regulations at 27 CFR § 555.141(d) exempts “small arms ammunition and components of small arms ammunition” from the explosives regulations. Under 27 CFR § 555.11, ATF has defined “ammunition,” in part, as “Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms...” ATF has long held in private letter rulings and previous explosives industry newsletters (June 2013; December 2014) that the term “small arms ammunition” pertains to .50 caliber or smaller rifle or handgun ammunition, as well as certain shotgun ammunition. However, “small arms ammunition” does not include ammunition containing explosive materials beyond smokeless propellants or other components designed for use in small arms.

After careful review of the completed ForseMark 9mm 101 Grain Extreme Tactical Impact Round, we have determined the subcomponents used in the ForseMark round, specifically the primer embedded in the projectile, which has not been modified, remain designed for use in small arms. Therefore, we have determined the completed ForseMark round is ammunition designed for use in small arms and thus exempt from regulations at 27 CFR Part 555– Commerce in Explosives.

Mr. Carl Forsell

We trust the foregoing has been responsive to your request. If you have additional questions, please feel free to contact the Explosives Industry Programs Branch at (202) 648-7120.

Sincerely yours,



Michael J. O'Lena  
Chief, Explosives Industry Programs Branch

cc: Director, Industry Operations, Kansas City Field Division  
Area Supervisor, Omaha II Field Office  
Carl Forsell ([carl@forsemark.net](mailto:carl@forsemark.net))