



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207

CPSC EXECUTIVE SESSION  
April 25, 1975

1750 K Street, N.W.  
9:30 a.m.

Presiding: Chairman Simpson

Present: Commissioner Kushner  
Commissioner Franklin  
Commissioner Newman  
Commissioner Pittle

ITEM

Draft letters to Scott Whitney, Esq. in HP 75-2.

DECISION

The Commission approves, with minor changes as noted, the attached draft letter to Mr. Whitney informing him of the Commission's April 10 decision not to extend the period for commenting on the petition to ban handgun bullets. The reasons for that decision are set forth in a minute of that date.

COMMISSION VOTE:

Concur:

Chairman Simpson  
Commissioner Kushner  
Commissioner Franklin  
Commissioner Newman  
Commissioner Pittle

R. Simpson  
Kushner  
B. Franklin  
Newman  
R. David Pittle

Submitted by:  
Commissioner Pittle  
May 23, 1975

Scott C. Whitney, Esquire  
Bechhoefer, Snapp, Sharlitt, Lyman & Whitney  
1747 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, D.C. 20006

*Master  
pl 4-25-75*

Dear Mr. Whitney:

This is in response to your April 2, 1975 request that the Commission postpone the April 14, 1975 deadline for the submission of public comments on the petition to ban handgun bullets until 60 days after final "judicial determination" of the jurisdictional issue involving that petition. After careful consideration, <sup>and as you were informed by phone on \_\_\_\_\_,</sup> the Commission has denied your request.

As you know, the Commission was ordered by the U.S. District Court for the District of Columbia on December 19, 1974, to consider the petition on its merits by publication to interested persons. Accordingly, the Commission published the petition in the Federal Register (40 FR 6818, February 14, 1975) and solicited comments for a period of 60 days.

The Commission decided that a 60-day period would be long enough for all interested persons to submit comments on the petition. In fact, an unprecedented number of comments were received during the period. The Commission believes that other matters, such as potential court review or congressional consideration of the Commission's jurisdiction over handgun bullets, should not change the length of the comment period.

Barring any court or Congressional action which might change the present situation, the Commission intends to begin evaluating comments received on the petition, now that the comment period has ended.

Sincerely,

Sadye E. Dunn  
Secretary

→ substitute attached per. In this  
one.

# MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: April 22, 1975

TO : Connie

FROM: Mel

SUBJECT: Briefing Package Dtd April 21, 1975 - Draft Letters  
Re: Petition to Ban Hand Gun Bullets

Substitute for last paragraph of Whitney Letter

The Commission has received over a hundred thousand comments within the 60-day comment period. <sup>IT WOULD APPEAR FROM</sup> ~~a~~ scanning of the comments <sup>VIRTUALLY</sup> ~~has convinced the Commission~~ that all points of view and possible arguments on the ban issue are fully represented. \* Therefore, there is <sup>MINIMAL</sup> ~~no~~ additional benefit, either to the Commission or to the public interest, to be gained through extension of the comment period. Potential court review or congressional consideration of the Commission's jurisdiction over handgun bullets is not considered adequate justification for delay <sup>ING</sup> ~~in~~ consideration and evaluation of the comments received.

\* AMPLE NOTICE AND OPPORTUNITY  
TO COMMENT HAS ALREADY  
BEEN PROVIDED.