the FHSA and directed the staff to convene a Chronic Hazard Advisory Panel pursuant to the procedures of section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) to further study the effects of these OFRs as a class of chemicals on consumers' health. In the meantime, based on the overwhelming scientific evidence presented to the Commission to date, the Commission has serious concerns regarding the potential toxicity of OFRs, and the risks of exposure, particularly to vulnerable populations, to OFRs, from the four categories of products listed in the petition. Accordingly, the Commission requests that manufacturers of children's products, furniture, mattresses, and electronics casings eliminate the use of such chemicals in these products. The Commission also recommends that, before purchasing such products for resale, importers, distributors, and retailers obtain assurances from manufacturers that such products do not contain OFRs. Finally, the Commission recommends that consumers, especially those who are pregnant or with young children, inquire and obtain assurances from retailers that such products do not contain OFRs.

Hazard: Scientific evidence to date demonstrates that OFRs, when used in non-polymeric, additive form, migrate from consumer products, leading to widespread human exposure to mixtures of these chemicals. Exposures to OFRs occur because of the semi-volatile property of these chemicals that results in migration of the chemicals and the chemicals' absorption into household dust and other surfaces where they persist in the indoor environment. At this time, there is no known way to direct consumers to use affected products in a manner that would guarantee reducing exposures to the American population to an acceptable level. Numerous peer-reviewed, published studies show that the vast majority of consumers have measurable quantities of OFRs in their blood. The known adverse health effects of these chemicals to consumers include: Reproductive impairment (*e.g.,* abnormal gonadal development, reduced number of ovarian follicles, reduced sperm count, increased time to pregnancy); neurological impacts (*e.g.,* decreased IQ in children, impaired memory, learning deficits, altered motor behavior, hyperactivity); endocrine disruption and interference with thyroid hormone action (potentially contributing to diabetes and obesity); genotoxicity; cancer; and immune disorders. These chemicals have a disproportionately negative health effect on vulnerable populations, including children.

Guidance: Under the FHSA, 15 U.S.C. 1261(g) and (f)(1)(A), any substance or mixture of substances which is toxic, *i.e.,* that has the capacity to produce illness through ingestion, inhalation, or absorption through any bodily surface, and may cause substantial injury or illness during or as a proximate result of customary or reasonably foreseeable handing or use is a ''hazardous substance.'' A product intended or packaged for household use containing a hazardous substance is required to have precautionary labeling under the FHSA (15 U.S.C. 1261(p)), but if labeling is not adequate to protect against the potential hazard, the Commission may declare the product banned. (15 U.S.C. 1261(q)(1)(B)). If an article intended for use by children is a hazardous substance or bears or contains a hazardous substance that is susceptible of access by a child to whom the article is entrusted, the article is a banned hazardous substance. *Id.* 1261(q)(1)(A).

To date, the Commission has not banned household products containing OFRs or required precautionary labeling for such products. However, on September 20, 2017, based on the overwhelming scientific evidence presented to date, the Commission voted to grant the petition to initiate rulemaking under the FHSA and directed the staff to convene a Chronic Hazard Advisory Panel pursuant to the procedures of section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) to further study the effects of OFRs as a class of chemicals on consumers' health. Much of the evidence currently before the Commission suggests OFRs, as a class of chemicals, present a serious public health issue. Therefore, the Commission has serious concerns regarding the potential toxicity of OFRs, and the risks of exposure, particularly to vulnerable populations, to OFRs, from the four categories of products listed in the petition.

For these reasons, the Commission considers the use of OFRs in children's products, upholstered furniture sold for use in residences, mattresses and mattress pads, and plastic casings surrounding electronics to be ill-advised and encourages manufacturers to eliminate using them in such products. Further, the Commission recommends that, before, purchasing such products for resale, importers, distributors, and retailers obtain assurances from manufacturers that such products do not contain OFRs. Finally, the Commission recommends that consumers, especially those who are pregnant or with young children, inquire and obtain assurances from retailers that such products do not contain OFRs.

Alberta E. Mills,

Acting Secretary, U.S. Consumer Product Safety Commission.

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DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the KC–46 Third Main Operating Base (MOB 3) Beddown

AGENCY: Department of the Air Force.

ACTION: Notice of Availability (NOA) of a Record of Decision (ROD).

On September 8, 2017, the United States Air Force signed the ROD for the KC–46 Third Main Operating Base (MOB 3) Beddown. The ROD states the Air Force decision to beddown up to twelve (12) KC–46 Primary Aerospace Vehicles Authroized (PAA) in one squadron at Seymor Johnston Air Force Base, where the Air Force Reserve Command (AFRC) leads the Mobility Air Force Mission.

The decision was based on matters discussed in the Final Environmental Impact Statement (FEIS) for the KC–46 Third Main Operating Base (MOB 3) Beddown (*http://www.kc-46a-beddown.com/*); contributions from the public and regulatory agencies; and other relevant factors. The FEIS was made available to the public on April 14, 2017 through a NOA in the **Federal Register** (82 FR 17991) with a 30-day wait period that ended on May 15, 2017.

Authority: This NOA is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the NEPA of 1969 (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

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Henry Williams, Jr.,

Acting Air Force Federal Register Liaison Officer.

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