label, while also exempting shippers and carriers from complying with the normal hazardous materials requirements regarding shipping papers, training, and placarding, et al., demonstrates the weakness of the petition. It is unclear how emergency response will be improved. NTTC said that what is foreseeable, however, is that the requested action would unnecessarily open the door to consideration of numerous other non-hazardous products. In addition, it would weaken the international harmonization of hazardous materials that PHMSA is working to further, and which NTTC supports. In short, NTTC views the petition as "an attempt to fit a round peg into a square hole," and urged the Administrator to deny the petition.

The International Sleep Products Association (ISPA) opposes the petition and requests that PHMSA dismiss it. ISPA said that most mattress producers assemble finished mattresses from components supplied by third parties, and that many mattresses sold in the United States today contain flexible PU foam to provide cushioning and support. All finished mattresses, including those that contain flexible PU foam, must meet various flammability standards. For example, since the mid-1970s, the Consumer Product Safety Commission (CPSC) has required that all mattresses resist ignition from a smoldering cigarette. 16 CFR part 1632. Beginning July 1, 2007 the CPSC will require that all mattresses withstand an open-flame ignition (such as a match, lighter, or candle). 16 CFR part 1633. ISPA said that PHMSA should dismiss the petition because it provides no legal or factual basis for designating PU foam as a hazardous material.

The American Trucking Associations (ATA) said that one of the most troubling aspects of the petition is the difficulty motor carriers would experience in complying with the suggested requirement to mark trucks to indicate the presence of polyurethane foam. Polyurethane foam is ubiquitous. In addition to its use in furniture, pillows, mattresses, car seats, and carpet padding, it is used as insulation in refrigerators, freezers and truck bodies. It is used as a packaging material. It also is used as a decorative coating and is molded into car bumpers. The ATA said that motor carriers take seriously their responsibility to comply with DOT regulations, and that the regulatory requirements requested in this petition set up motor carriers to fail—as motor carriers face a regulatory requirement to mark trucks containing polyurethane foam, but have no corresponding way to know whether a shipper has tendered articles containing polyurethane foam.

III. PHMSA Is Denying the NASFM Petition P–1491

In accordance with 49 CFR 106.95, Petition P–1491 is denied for the following reasons:

(1) In conclusion, the majority of commenters do not believe that PU foam, nor products that contain PU foam, meet any of the defining criteria under the HMR, and do not constitute an "unreasonable" risk to health, safety and property when transported in commerce. PHMSA agrees with the majority of the commenters. A PU fire is similar to house fires and other fires with organic materials. A PU fire does not require special fire fighting agents, procedures, or protective equipment and, therefore, does not pose an unreasonable danger to first responders. PHMSA believes that the information in the compendium do not support the petition. Thus, classifying PU foam as a hazardous material is unwarranted and inconsistent with the standards for classification set forth in the HMR.

(2) PU foam is not designated as a hazardous material because it is not considered a substance or material capable of posing an acute or unreasonable risk to health, safety and property when transported in commerce. The petition does not provide sufficient supporting data to warrant the adoption of the petition.

(3) PU foam products are solid organic materials. Like many other plastic products, PU foam products were not deemed to meet the "Readily combustible solid" definition and test criteria when DOT and the UN Committee of Experts developed the definition, test method, and criteria in 1990. The Material Safety Data Sheets (MSDS) submitted by the NASFM did not identify PU foam products as hazardous materials. Rather, the MSDS recognizes that PU foam products when exposed to fire will melt into liquid and the flash point of the liquids is >500 °F, which is outside of the range and criteria of Flammable liquid or Combustible liquid, as defined in 49 CFR 173.120.

(4) The safety implications of the proposals in the petition were given careful considerations as we went through the process of determining whether regulatory action was needed. While we understand the intent of the NASFM to improve safety of emergency responders, anticipated safety benefits associated with the transportation of PU foam would be insignificant, since emergency responders are already trained to be aware of hazards associated with vehicle fires due to components built into the vehicle, many of which employ vinyl and other polymers because of their strength and durability.

(5) The NASFM stated in the petition that this should not be considered a significant rulemaking because there are a limited number of carriers transporting bulk PU foam. However, if the proposal to classify PU foam as a hazardous material was adopted, it could be applied universally to all PU foam products. To attempt to identify, classify, and mark all of these articles and substances for purposes of transportation in commerce would be a much larger impact, greater than transportation. The costs associated with implementing the petition would far exceed the benefits.

Issued in Washington, DC, on March 31, 2011.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2011–8103 Filed 4–5–11; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35237]

City of Davenport, Iowa—Construction and Operation Exemption—in Scott County, Iowa

By petition filed on July 21, 2009, the City of Davenport, Iowa (the City) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct approximately 2.8 miles of rail line in southern Eldridge, northern Davenport, and an unincorporated area of Scott County, Iowa. The new line will provide the Eastern Iowa Industrial Center, an industrial park, with rail access. The City will hire an operator to provide service on the line, but the City also will be required to ensure continued rail service.

In a decision served on October 19, 2009, the Board instituted a proceeding under 49 U.S.C. 10502(b). No comments opposing the petition have been filed.

The Federal Highway Administration (FHWA), the lead Federal agency on this rail project, and the City issued an Environmental Assessment (EA) for public review and comment on March 17, 2008. On July 8, 2008, the FHWA issued its Record and Finding of No Significant Impact and recommended 3 environmental conditions to mitigate the impacts of the project. After the Board's Office of Environmental

Analysis (OEA) independently reviewed the FHWA EA, OEA prepared and issued on January 28, 2010, a Review of Environmental Matters and Final Environmental Recommendations in which OEA recommended that the Board adopt the FHWA EA and impose the 3 environmental conditions recommended by the FHWA. Due to a subsequent proposed change by the City in project design and in the rail alignment, OEA, the FHWA, the Iowa Department of Transportation, and the City conducted a reevaluation of the project. In December 2010, the FHWA and OEA determined that no supplemental environmental review would be required and that the same 3 environmental conditions should be imposed.

After considering the entire record, including both the transportation aspects of the petition and the potential environmental issues, the Board granted the requested construction and operation exemption in a decision served today, subject to compliance with the environmental mitigation measures listed in the Appendix to the decision. Petitions to reopen must be filed by April 26, 2011.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: March 30, 2011.

By the Board, Chairman Elliott and Commissioner Mulvey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–8158 Filed 4–5–11; 8:45 am]

BILLING CODE 4915–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—April 13, 2011 Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on "the national security implications of the economic relationship between the United States and the People's Republic of China."

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on April 13, 2011, to address "China's Current and Emerging Foreign Policy Priorities."

Background: This is the fifth public hearing the Commission will hold during its 2011 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The April 13 hearing will examine emerging issues and new interest groups in Chinese foreign policy, as well as China's relationships with select countries of concern to the United States. The April 13 hearing will be co-chaired by Commissioners Carolyn Bartholomew and Peter Brookes.

Any interested party may file a written statement by April 13, 2011, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Transcripts of past Commission public hearings may be obtained from the USCC Web Site *http://www.uscc.gov.*

Date and Time: Wednesday, April 13, 2011, 8:40 a.m. to 3:30 p.m. Eastern Standard Time. A detailed agenda for the hearing will be posted to the Commission's Web Site at *http://www.uscc.gov* as soon as available.

ADDRESSES: The hearing will be held on Capitol Hill in Room 216 of the Hart Senate Office Building, located at Constitution Avenue and 2nd Street, NE., in Washington, DC 20002. Public seating is limited to about 50 people on a first come, first served basis. *Advance reservations are not required.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Michael Danis, Executive Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington DC 20001; phone: 202–624–1407, or via e-mail at *contact@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: March 31, 2011.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2011–8078 Filed 4–5–11; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs gives notice under the Public Law 92–463 (Federal Advisory Committee Act) that the panels of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Panel	Date(s)	Location
Hematology	May 25, 2011	L'Enfant Plaza Hotel.
Surgery	May 25, 2011	Crowne Plaza DC/Silver Spring.
Endocrinology-B	May 26, 2011	L'Enfant Plaza Hotel.
Endocrinology-A	June 2–3, 2011	L'Enfant Plaza Hotel.
Infectious Diseases-B	June 2, 2011	Hamilton Crowne Plaza.
Nephrology	June 2, 2011	Crowne Plaza DC/Silver Spring.
Neurobiology-A	June 2–3, 2011	Crowne Plaza DC/Silver Spring.
Neurobiology-E	June 3, 2011	Crowne Plaza DC/Silver Spring.
Pulmonary Medicine	June 3, 2011	Crowne Plaza DC/Silver Spring.
Cellular & Molecular Medicine	June 6, 2011	Crowne Plaza DC/Silver Spring.
Epidemiology	June 7, 2011	VA Central Office.*
Mental Hlth & Behav Sci-B	June 7–8, 2011	L'Enfant Plaza Hotel.
Mental Hlth & Behav Sci-A	June 8–9, 2011	L'Enfant Plaza Hotel.
Neurobiology-C	June 8–10, 2011	Crowne Plaza DC/Silver Spring.
Oncology	June 9–10, 2011	L'Enfant Plaza Hotel.