conditions, the Model G250 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the “Noise Control Act of 1972.”

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

**Novel or Unusual Design Features**

The Model G250 airplane will incorporate the following novel or unusual design features:

The Model G250 airplane is equipped with an electronic flight control system that provides control through the pilot inputs to the flight computer. This novel design feature is not covered in the current roll-maneuver airworthiness regulations of § 25.349(a). The current regulations do not address any nonlinearities or other effects upon roll control that may be caused by electronic flight controls. Therefore, special conditions are necessary to establish appropriate design standards for the GALP Model G250 airplane type design.

**Discussion**

The GALP Model G250 airplane is equipped with an electronic spoiler-control system and a mechanical aileron-control system that provide roll control of the aircraft. These controls are not covered in the current roll-maneuver airworthiness regulations of § 25.349(a). The current regulations do not address any nonlinearities or other effects upon roll control that may be caused by electronic flight controls. Therefore, special conditions are necessary to establish appropriate design standards for the GALP Model G250 airplane type design.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

**The Special Conditions**

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for GALP Model G250 airplane.

The following conditions, speeds, and cockpit roll-control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero, and of two-thirds of the positive maneuvering factor used in the design. In determining the resulting control-surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b):

In lieu of compliance with § 25.349(a):

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time-history investigation of the maneuver.  
2. At \( V_A \), sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved and then must be returned suddenly to the neutral position.  
3. At design cruising speed \( V_C \), the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in Special Condition 2, above.  
4. At design diving speed \( V_D \), the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one third of that obtained in Special Condition 2, above.

**Conclusion**

This action affects only certain novel or unusual design features on the GALP Model G250 airplane. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

The FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance.

**List of Subjects in 14 CFR Part 25**

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 738 and 740**

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to add controls on exports and reexports of U.S.-origin dual-use items to a new nation, the Republic of South Sudan. In January 2011, a referendum was held in the region of Southern Sudan to determine whether that region would remain part of Sudan or become a separate, independent nation. On February 7, 2011, the referendum commission announced that the region of Southern Sudan had voted to become a separate nation, effective July 9, 2011. On February 7, 2011, recognizing this historic milestone in the implementation of the Comprehensive Peace Agreement (CPA), President Obama announced the intention of the United States to formally recognize the Republic of South Sudan as a sovereign state in July, 2011.

BIS is therefore amending the EAR to reflect the July 9, 2011 formal
Region of Southern Sudan to determine

2011, a referendum was held in the
developed under the CPA, in January
2006.

Darfur Peace and Accountability Act of
President issued Executive Order (E.O.)
13067 (Blocking Sudanese Government
Property and Prohibiting Transactions
with Sudan), imposing comprehensive
economic sanctions against Sudan
because of the policies and actions of
the Government of Sudan, including its
continued support for international
terrorism.

Consistent with the state sponsor of
terrorism designation, the Department of
Commerce imposed anti-terrorism
controls on Sudan under the authority
of Section 6 of the Export
Administration Act of 1979, as amended
(EAA). Specifically, Section 742.10 of
the EAR restricts the export or reexport
to Sudan of most items subject to the
EAR that are listed on the Commerce
Control List (CCL).

On January 9, 2005, the Government of
the Republic of the Sudan and the
Sudan People's Liberation Movement
signed the Comprehensive Peace
Agreement (CPA) ending the 22-year
civil war, and in October, 2006,
pursuant to E.O. 13412 the regional
government of Southern Sudan was
excluded from the definition of the
“Government of Sudan” set forth in E.O.
13067, consistent with Sec. 8(e) of the
Darfur Peace and Accountability Act of
2006.

Pursuant to the constitution
developed under the CPA, in January
2011, a referendum was held in the
region of Southern Sudan to determine

whether that region would remain part
of Sudan or become a separate,
independent nation. On February 7,
2011, the referendum commission
announced that the region of Southern
Sudan had voted to become a separate
nation, effective July 9, 2011.

Recognizing this historic milestone in
the implementation of the CPA, on
February 7, 2011, President Obama
announced the intention of the United
States to formally recognize the
Republic of South Sudan as a sovereign
state. BIS is therefore amending the EAR
to reflect this formal recognition as of
July 9, 2011, by adding the new nation
of the Republic of South Sudan to the
Commerce Country Chart and including
the new nation as part of Country Group
B, which will render the destination
eligible for certain export and reexport
License Exceptions. The controls that
continue to apply to “Sudan” under the EAR
will not apply to the Republic of South Sudan.

DATES: This rule is effective July 9,
2011.

FOR FURTHER INFORMATION CONTACT:
Susan Kramer, Foreign Policy Controls
Division, Office of Nonproliferation and
Treaty Compliance, Bureau of Industry
and Security, Telephone: (202) 482–
3241, or E-mail:
Susan.Kramer@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background
Transition to the New and Independent
State of the Republic of South Sudan

The Republic of the Sudan (“Sudan”),
referred to as “Sudan” in the EAR, was
designated by the Secretary of State as
a state sponsor of terrorism under U.S.
law on August 12, 1993 (58 FR 52523,
Oct. 8, 1993). On November 3, 1997, the
President issued Executive Order (E.O.)
13067 (Blocking Sudanese Government
Property and Prohibiting Transactions
with Sudan), imposing comprehensive
economic sanctions against Sudan
because of the policies and actions of
the Government of Sudan, including its
continued support for international
terrorism.

Consistent with the state sponsor of
terrorism designation, the Department of
Commerce imposed anti-terrorism
controls on Sudan under the authority
of Section 6 of the Export
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the EAR restricts the export or reexport
to Sudan of most items subject to the
EAR that are listed on the Commerce
Control List (CCL).

On January 9, 2005, the Government of
the Republic of the Sudan and the
Sudan People’s Liberation Movement
signed the Comprehensive Peace
Agreement (CPA) ending the 22-year
civil war, and in October, 2006,
pursuant to E.O. 13412 the regional
government of Southern Sudan was
excluded from the definition of the
“Government of Sudan” set forth in E.O.
13067, consistent with Sec. 8(e) of the
Darfur Peace and Accountability Act of
2006.

Pursuant to the constitution
developed under the CPA, in January
2011, a referendum was held in the
region of Southern Sudan to determine
for exports and reexports of items to any
other country under the EAR.

Since August 21, 2001, the Export
Administration Act of 1979, as
amended, has been in lapse and the
President, through Executive Order
13222 of August 17, 2001 (3 CFR, 2001
Comp., p. 783 (2002)), as extended most
recently by the Notice of August 16,
2010 (75 FR 50681, August 16, 2010),
has continued the EAR in effect under
the International Emergency Economic
Powers Act. BIS continues to carry out
the provisions of the Act, as appropriate
and to the extent permitted by law,
pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866
direct agencies to assess all costs and
benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential environmental,
public health and safety effects,
distributive impacts, and equity).
Executive Order 13563 emphasizes
the importance of quantifying both
costs and benefits, of reducing costs,
of harmonizing rules, and of
promoting flexibility. This rule
has been designated a “significant
regulatory action” although not
economically significant, under section
3(f) of Executive Order 12866.

Accordingly, the rule has been reviewed
by the Office of Management and
Budget.

2. Notwithstanding any other
provisions of law, no person is required
to respond to nor be subject to a penalty
for failure to comply with a collection
of information, subject to the
requirements of the Paperwork
Reduction Act of 1995 (44 U.S.C.
3501 et seq.) (PRA), unless that collection of
information displays a currently valid
Office of Management and Budget
(OMB) Control Number. This rule
involves a collection of information
subject to the PRA. This collection has
been approved by the Office of
Management and Budget under control
number 0694-0088, “Multi-Purpose
Application,” which carries a burden
hour estimate of 58 minutes to prepare
and submit form BIS-748. Total burden
hours associated with the PRA and
OMB control number 0694-0088 are
not expected to increase as a result of
this rule.

3. This rule does not contain policies
with Federalism implications as that
term is defined under Executive Order
13132.

4. Pursuant to 5 U.S.C. 553(a)(1), the
provisions of the Administrative
Procedure Act requiring notice of
proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States. (See 5 U.S.C. 553(a)(1)). This final rule implements the United States new policy to recognize the new and independent state of the Republic of South Sudan as announced by the President. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., are not applicable. Therefore, this regulation is issued in final form. In addition, the Department finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the reasons provided above. Accordingly, this regulation is made effective immediately upon publication.

List of Subjects
15 CFR Part 738
Exports.
15 CFR Part 740
Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, parts 738 and 740 of the EAR (15 CFR parts 730–774) are amended as follows:

PART 738—[AMENDED]

1. The authority citation for 15 CFR Part 738 continues to read as follows:


Supplement No. 1 to Part 738—[Amended]

2. Supplement No. 1 to part 738—Commerce Country Chart—is amended

a. By adding in alphabetical order the “Country” “South Sudan, Republic of”; and

b. By adding for “South Sudan, Republic of” an “X” in columns “CB1”, “CB2”, “NP1”, “NT1”, “N2”, “MT1”, “RS1”, “RS2”, “CC1” and “CC3”.

PART 740—[AMENDED]

3. The authority citation for 15 CFR Part 740 continues to read as follows:


4. Supplement No. 1 to Part 740—Country Groups—is amended by adding in alphabetical order “South Sudan, Republic of” to “Country Group B”.

Dated: July 6, 2011.
Kevin J. Wolf,
Assistant Secretary for Export Administration.

BILLING CODE 3510–33–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1
RIN 3038–AD23

Agricultural Commodity Definition

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (“Commission” or “CFTC”) is charged with proposing rules to implement new statutory provisions enacted by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”). The Dodd-Frank Act, which amends the Commodity Exchange Act (“CEA” or “Act”), includes provisions applicable to “a swap in an agricultural commodity (as defined by the [CFTC]).” Neither Congress nor the CFTC has previously defined “agricultural commodity” for purposes of the CEA or CFTC regulations. On October 26, 2010, the Commission issued a notice of proposed rulemaking requesting comment on a proposed definition of agricultural commodity (the “NPRM”). After reviewing the comments submitted in response to the proposed definition, the Commission has determined to issue this final definition in essentially the same form as originally proposed, subject to a minor revision to the commodity-based index provision, for purposes of the CEA and CFTC regulations.

The Dodd-Frank Act includes provisions applicable to “a swap in an agricultural commodity (as defined by the [CFTC]).” Neither Congress nor the CFTC has previously defined “agricultural commodity” for purposes of the CEA or CFTC regulations. On October 26, 2010, the Commission issued a notice of proposed rulemaking requesting comment on a proposed definition of agricultural commodity (the “NPRM”). After reviewing the comments submitted in response to the proposed definition, the Commission has determined to issue this final definition in essentially the same form as originally proposed, subject to a minor revision to the commodity-based index provision, for purposes of the CEA and CFTC regulations.


Pursuant to section 701 of the Dodd-Frank Act, Title VII may be cited as the “Wall Street Transparency and Accountability Act of 2010.”

7 U.S.C. 1 et seq.
