

**RBS and RUS, USDA**

**Pt. 4290**

(a) Suspend payments on the Contract until the violation has been rec-  
onciled;

(b) Terminate the Contract; or

(c) Debarment to participate in any  
Federal Government program.

**§ 4288.137 Succession and loss of control of advanced biofuel facilities and production.**

(a) *Contract succession.* An entity who becomes the eligible advanced biofuel producer for an advanced biofuel facility that is under contract under this subpart must request permission from the Agency to succeed to the Program contract and the Agency may grant such request if it is determined that the entity is an eligible producer and permitting such succession would serve the purposes of the Program. If appropriate, the Agency may require the consent of the previous eligible advanced biofuel producer to such succession.

(b) *Loss of control.* Payments will be made only for eligible advanced biofuels produced at an advanced biofuel facility owned or controlled by an eligible advanced biofuel producer with a valid contract. If payments are made to an advanced biofuel producer for production at an advanced biofuel facility no longer owned or controlled by said producer or to an otherwise ineligible advanced biofuel producer, the Agency will demand full refund of all such payments.

**§§ 4288.138–4288.189 [Reserved]**

**FISCAL YEAR 2010 APPLICATIONS**

**§ 4288.190 Fiscal Year 2010 applications.**

(a) *General.* This section provides the requirements associated with applying for funds under this subpart for Fiscal Year 2010.

(b) *Applicability.* The provisions specified in §§ 4288.101 through 4288.137 are applicable to applicants, applications, and awards made for Fiscal Year 2010, except as follows:

(1) Applications for participation in this program must be received by May 6, 2011. Applications received after this date will not be considered by the Agency for Fiscal Year 2010 funding.

(2) Payment applications for Fiscal Year 2010 funding are due by 4:30 p.m. local time May 12, 2011. Any application received after this date and time is ineligible for payment.

(3) Payment applications for Fiscal Year 2010 funding must contain actual production for October 1, 2009 through September 30, 2010.

(4) If an applicant has submitted an application for participation or payment in this program for Fiscal Year 2010 funding prior to March 14, 2011, the applicant must submit new applications in accordance with this subpart for Fiscal Year 2010 funding.

[76 FR 7967, Feb. 11, 2011, as amended at 76 FR 24343, May 2, 2011]

**§§ 4288.191–4288.200 [Reserved]**

**PART 4290—RURAL BUSINESS INVESTMENT COMPANY (“RBIC”) PROGRAM**

**Subpart A—Introduction to Part 4290**

- Sec.
- 4290.10 Description of the Rural Business Investment Company Program.
- 4290.15 Leveraged and Non-leveraged Rural Business Investment Companies.
- 4290.20 Legal basis and applicability of this part 4290.
- 4290.30 Amendments to Act and regulations.
- 4290.40 How to read this part 4290.
- 4290.45 Responsibility for implementing this part 4290.

**Subpart B—Definition of Terms Used in Part 4290**

- 4290.50 Definition of terms.

**Subpart C—Qualifications for the RBIC Program**

**ORGANIZING A RBIC**

- 4290.100 Business form.
- 4290.110 Qualified management.
- 4290.120 Plan to invest in Rural Areas.
- 4290.130 Identified Rural Areas.
- 4290.140 Approval of initial Management Expenses.
- 4290.150 Management and ownership diversity requirement.
- 4290.160 Special rules for Partnership RBICs and LLC RBICs.
- 4290.165 Obligations of Control Persons.

**CAPITALIZING A RBIC**

- 4290.200 Adequate capital for RBICs.