

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5-367 Filed 1-31-05; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### **Bay Partners LS Fund, L.P., License No. 09/79-0423; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Bay Partners LS Fund, L.P., 10600 N. De Anza Boulevard, Suite 100, Cupertino, CA 95014, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Bay Partners LS Fund, L.P. proposes to provide equity/debt security financing to IPWireless, Inc. The financing is contemplated for operating expenses and for general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Bay Partners SBIC II, L.P., John Freidenrich, Neal Dempsey, Christopher Noble and Loring Knoblauch, all Associates of Bay Partners LS Fund, L.P., own more than ten percent of IPWireless, Inc.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: January 12, 2005.

**Jaime Guzman-Fournier,**  
*Acting Associate Administrator for Investment.*

[FR Doc. 05-1775 Filed 1-31-05; 8:45 am]

BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

### **Region IX Regulatory Fairness Board; Public Federal Regulatory Enforcement Fairness Hearing**

The Small Business Administration Region IX Regulatory Fairness Board and the SBA Office of the National

Ombudsman will hold a Public Hearing on Tuesday, March 1, 2005 at 8:30 a.m. at the City of Anaheim, Gordon Hoyt Center, 201 South Anaheim Blvd., 2nd floor, Anaheim, CA 92805, phone (714) 765-4323, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Dace Pavlovskis in writing or by fax, in order to be put on the agenda. Dace Pavlovskis, District Counsel, SBA Santa Ana District Office, 200 Santa Ana Blvd., Suite 700, Santa Ana, CA 92701, phone (714) 550-7420 Ext. 3601, fax (202) 481-0901, e-mail: [Dace.Pavlovskis@sba.gov](mailto:Dace.Pavlovskis@sba.gov).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

Dated: January 26, 2005.

**Peter Sorum,**

*Senior Advisor, Office of the National Ombudsman.*

[FR Doc. 05-1774 Filed 1-31-05; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

### **[Public Notice 4983]**

### **Certification Under Section 584(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Div. D, P.L. 108-447)**

Pursuant to the authority vested in me as Secretary of State, including under section 584(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Div. D, P.L. 108-447), I hereby certify that:

1. The role of the Guatemalan military has been limited, in doctrine and practice, to substantially those activities in defense of Guatemala's sovereignty and territorial integrity that are permitted by the 1996 Peace Accords, and that the Government of Guatemala is taking steps to pass a new governing law of the Army (Ley Constitutiva del Ejercito).

2. The Guatemalan military is cooperating with civilian judicial authorities, including providing full cooperation on access to witnesses, documents and classified intelligence files, in investigations and prosecutions of military personnel who have been implicated in human rights violations and other criminal activity.

3. The Government of Guatemala is working with the United Nations to

resolve legal impediments to the establishment of the Commission for the Investigation of Illegal Groups and Clandestine Security Organizations (CICIACS), so that CICIACS can effectively accomplish its mission of investigating and bringing to justice illegal groups and members of clandestine security organizations.

4. The Government of Guatemala is continuing its efforts to make the military budget process transparent and accessible to civilian authorities and to the public, for both present and past expenditures.

5. The Government of Guatemala is working to facilitate the prompt establishment of an office in Guatemala of the United Nations High Commissioner for Human Rights with the unimpeded authority to investigate and report on human rights in Guatemala.

6. The Government of Guatemala is taking steps to increase its efforts to combat narcotics trafficking and organized crime.

This certification shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: January 25, 2005.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 05-1846 Filed 1-31-05; 8:45 am]

BILLING CODE 4710-29-P

## DEPARTMENT OF TRANSPORTATION

### **Federal Aviation Administration**

### **Performance-Based Operations Aviation Rulemaking Committee**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This document announces a public meeting in which the Federal Aviation Administration (FAA) and members of the Performance-Based Operations Aviation Rulemaking Committee (PARC) will discuss the activities of the PARC since the Federal Aviation Administrator chartered the group in February 2004.

**DATES:** The public meeting will be held February 23-24, 2005, in Phoenix, AZ, and will begin at 9 a.m. each day. Registration will begin at 8:30 a.m. each day.

**ADDRESSES:** The public meeting will be held at Honeywell International Inc., 21111 N. 19th Ave., Phoenix, AZ.

You can find an electronic copy of informational materials for the meeting,

<sup>9</sup> 17 CFR 200.30-3(a)(12).

including a detailed agenda, on the PARC knowledge sharing network at <http://ksn.faa.gov/km/avr/parc/parc/default.aspx> beginning February 15, 2005. For access to the network, contact Olga Legoshina, Flight Technologies and Procedures Division, as listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** You should direct questions regarding the logistics of the meeting to Olga Legoshina, Flight Technologies and Procedures Division, AFS-400, Federal Aviation Administration, 470 L'Enfant Plaza, Suite 4102, Washington, DC 20024; telephone (202) 385-4606; facsimile (202) 385-4653. You should direct questions regarding the PARC to Dave Nakamura, Boeing Air Traffic Management, CNS Technical Standards and Requirements, PO Box 3707 MS 07-25, Seattle, WA 98124; telephone (425) 829-7006; facsimile (425) 294-1076, e-mail: [dave.nakamura@boeing.com](mailto:dave.nakamura@boeing.com).

**SUPPLEMENTARY INFORMATION:** The public meeting will be held at Honeywell International Inc., 21111 N. 19th Ave., Phoenix, AZ.

The purpose of the meeting is for the FAA and PARC members to discuss the activities of the PARC since the FAA Administrator chartered the group in February 2004. The general discussion items include: (1) The PARC Mission and its role; and (2) where the PARC is and where it is going. Specific topics will include the FAA's Roadmap for Performance-based Navigation; Special Aircraft and Aircrew Authorization Required (SAAR) procedures; General Required Navigation Performance (RNP) procedure criteria; Area Navigation (RNAV) approach criteria; Performance-Based Communications; and Human Factors.

#### Attendance at the Public Meeting

The FAA should receive requests from people who wish to attend the public meeting no later than February 17, 2005. You should submit such requests to Olga Legoshina, Flight Technologies and Procedures Division, as listed in the previous section titled **FOR FURTHER INFORMATION CONTACT**.

#### Background

The FAA has committed to implementing performance-based airspace operations. Given this commitment, there are significant issues with industry dynamics; new technologies; new aircraft types/capabilities and configurations and current operations; airspace use; airports; infrastructure; economics; and the environment. These complex issues

mandate a comprehensive review and possible revision of existing regulatory criteria and guidance materials. Where existing criteria and guidance is inadequate or nonexistent, there will be the requirement to develop and implement new regulatory criteria and the guidance material needed by all stakeholders. The PARC provides a forum for the U.S. aviation community to discuss, prioritize, and resolve issues, provide direction for U.S. flight operations criteria, and produce U.S. consensus positions for global harmonization. The FAA Administrator issued the PARC charter on February 19, 2004. The PARC charter expires February 19, 2006, unless sooner terminated or extended by the Administrator.

#### Public Meeting Procedures

Persons who plan to attend the meeting should be aware of the following procedures set up for this meeting:

1. There will be no admission fee or other charge to attend or to participate in the public meeting. The meeting will be open to all people who have asked in advance to attend the meeting or who register on the day of the meeting (between 8:30 a.m. and 9:00 a.m.), subject to availability of space in the meeting room.
2. Representatives from the FAA and PARC members will conduct the public meeting.
3. Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

Issued in Washington, DC, on January 24, 2005.

**James J. Ballough,**

*Director, Flight Standards Service.*

[FR Doc. 05-1757 Filed 1-31-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7363]

#### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** This notice publishes the FMCSA decision to renew the exemption from the vision requirement in the Federal Motor Carrier Safety

Regulations for Mr. Willie F. Adams. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting this exemption will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemption for this commercial motor vehicle (CMV) driver.

**DATES:** This decision is effective February 1, 2005. Comments from interested persons should be submitted by March 3, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FMCSA-2000-7363 by any of the following methods:

- **Web Site:** <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
- **Fax:** 1-202-493-2251.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC 20590-0001.
- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m.,