

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]

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## 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]

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## 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).