

Dated: September 8, 2008.

A. Joseph Shepard,

*Associate Administrator for Investment.*

[FR Doc. E8-23468 Filed 10-3-08; 8:45 am]

BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

[License No. 09/79-0454]

### Emergence Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, 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, Financials which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity/debt security financing to PivotLink, Inc., 15325 SE 30th Place, Suite 300, Bellevue, WA 98007.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., Associates of Emergence Capital Partners SBIC, L.P., own in the aggregate more than ten percent of PivotLink, Inc. Therefore this transaction is considered a financing of an Associate requiring prior SBA approval.

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

August 29, 2008.

A. Joseph Shepard,

*Associate Administrator for Investment.*

[FR Doc. E8-23469 Filed 10-3-08; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 6374]

### Notice of Intent To Establish the Global AIDS Coordinator's Expert Panel on Prevention of Mother-to-Child Transmission of HIV

**SUMMARY:** Pursuant to section 309 of the United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, ("the Act"), Public Law 110-293, this is a notice of intent to establish the Global AIDS Coordinator's Expert Panel on Prevention of Mother-to-Child Transmission of HIV.

**Purpose:** The objectives and scope of activities of the Expert Panel are to provide an objective review of activities to prevent mother-to-child transmission of HIV (human immunodeficiency virus, the pathogen that causes Acquired Immune Deficiency Syndrome (AIDS)), and to provide a report and recommendations to the Global AIDS Coordinator and to the appropriate congressional committees for scale-up of prevention of Mother-to-Child transmission prevention services.

**Membership:** The Panel shall consist of not more than fifteen members appointed by the Global AIDS Coordinator. Members of the Panel shall be drawn from governmental and private sector organizations, in accordance with the requirements under section 309 of the Act. All meetings of this Panel will be announced ahead of time by notice published in the **Federal Register**.

Further information regarding this Panel may be obtained from Rebecca Hooper, Office of the Global AIDS Coordinator, U.S. Department of State, Washington, DC 20520, (202) 663-2440.

Dated: September 29, 2008.

Thomas Walsh,

*Deputy U.S. Global AIDS Coordinator, Acting Department of State.*

[FR Doc. E8-23564 Filed 10-3-08; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 6383]

### Department of State Performance Review Board Members

In accordance with section 4314(c)(4) of 5 United States Code, the Department of State has appointed the following individuals to the Department of State Performance Review Board for career Senior Executive Service members:

Alexander A. Arvizu, Deputy Assistant Secretary, Bureau of East

Asian and Pacific Affairs, Department of State; (Outside Member);

Linda Jacobson, Assistant Legal Adviser, Office of the Legal Adviser, Department of State;

Susan H. Swart, Chief Information Officer, Bureau of Information Resource Management, Department of State; (Outside Member);

Linda S. Taglialatela, Deputy Assistant Secretary, Bureau of Human Resources, Department of State; and

James E. Tyckoski, Office Director, Office of Resource Planning and Budget, Bureau of Resource Management, Department of State.

Dated: September 17, 2008.

Harry K. Thomas, Jr.,

*Director General of the Foreign Service and Director of Human Resources, Department of State.*

[FR Doc. E8-23570 Filed 10-3-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[DOT-OST-2008-0296]

### Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

**AGENCY:** Office of the Secretary.

**ACTION:** No FEAR Act Notice.

**SUMMARY:** This Notice implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 concerning the annual obligation of Federal agencies to notify all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the Federal Antidiscrimination Laws and Whistleblower Protection Laws.

### FOR FURTHER INFORMATION CONTACT:

Caffin Gordon, Associate Director of Policy and Quality Control Division, S-35, Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, 202 366-4648 or (TTY) 202-366-8538.

### SUPPLEMENTARY INFORMATION:

#### Electronic Access

You may retrieve this document online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>. The FDMS is available 24 hours each day, 365 days each year. Electronic retrieval help and guidelines are available under the help section of the Web site. An electronic

copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

#### No Fear Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," Public Law 107-174, which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination, whistleblower protection and retaliation laws.

#### Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written

complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

#### Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site—<http://www.osc.gov>.

#### Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies

must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

#### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR 724, as well as the appropriate offices within your agency (e.g., EEO/civil rights office, human resources office or legal office). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—<http://www.eeoc.gov> and the OSC Web site—<http://www.osc.gov>.

#### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Issued in Washington, DC on September 29, 2008.

**J. Michael Trujillo,**

*Director, Departmental Office of Civil Rights,  
United States Department of Transportation.*

[FR Doc. E8-23592 Filed 10-3-08; 8:45 am]

BILLING CODE 4910-9X-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Land at Nenana Airport, Nenana, AK

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of Request to Release Airport Land.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the release of approximately 15.61 acres of airport property at Nenana Airport, Nenana, Alaska, from all restrictions of the surplus property agreement since the parcel of land is not needed for airport purposes. Reuse of the land for Alaska Rail Road track straightening represents a compatible land use. Sale of the property to the Alaska Rail Road at the appraised fair market value will