

John R. Read, Chief,  
Litigation III Section, Antitrust Division,  
U.S. Department of Justice,  
450 Fifth Street NW.,  
Washington, DC 20530.

Via: [John.Read@USDOJ.gov](mailto:John.Read@USDOJ.gov); cc:  
[David.Kully@USDOJ.gov](mailto:David.Kully@USDOJ.gov)

**RE: Proposed Final Judgment U.S. v  
NAR Civil Action No. 05 C 5140**

Dear Mr. Read:

I respectfully request that in addition to the protection provided to VOW's in the proposed judgment that the Judgment be expanded such that any information a broker is allowed to publish in the mass media also be publishable to the Internet without qualification. It appears the proposed judgment will protect the large VOW's new and creative practices in an effort to provide the consumer with more choices and potentially better and/or cheaper services. Unfortunately, the proposed judgment doesn't appear to protect the creative practices of sole proprietors and small independent brokerages that also utilize the Internet.

In many markets, these small brokerages provide service to consumers for 50+% of the transaction sides. These small brokerages often develop unique market services that utilize the Internet and benefit the consumer with an even wider choice of different, better and/or cheaper services. Technological and data feed costs required to establish and then operate a password protected VOW can be shared by each transaction. For large VOW brokerages addressed in this proposed judgment, these costs become insignificant. But for a sole proprietor and small brokerages, these same costs on a per transaction basis are significant and become prohibitively expensive. Consequently, most small brokerages do not and cannot operate a cost effective password protected VOW.

MLSlistings Inc., allows their subscribers to freely publish the median Sold Price in newspapers, but prohibits publication of that same information on the Internet. MLSlistings Inc.'s restriction has no MLS business reason and artificially restricts MLSlistings Inc.'s subscribers and consumers from fully benefiting from the use of the Internet. MLSlistings Inc.'s Internet restriction only applies to non-VOW sites that don't have a bulk download agreement.

I investigated the costs of providing a password protected VOW site and found them not economical. Subsequently, I decided to make some of my basic market information available via my public (non-password protected) web page. This allowed anyone to freely

benefit from this market information and insight. I chose to reserve more frequent updates and additional information for people that find my public information useful and are willing to develop an agency relationship. This had worked well for me and the consumers without the need of a VOW.

This changed in early May 2008 when MLSlistings Inc, using MLS Rules that become effective on April 30, 2008 started citing me with violating the new MLS Rules. The new MLS Rules allow me to continue to provide the same market information (such as the County median sold price) to anyone that walks into my office. I can also email or fax this information to whoever I chose. I can even publish this market information in the mass media including the San Jose Mercury News. This market information is also available to any web savvy consumer via the MLS's own non-restricted public web site. Clearly, anyone without qualification has access to this market information. However, MLSlistings Inc claims the new MLS Rules specifically prohibit a subscriber from publishing this same market information on the Internet if the web page is accessible to public without any qualification and without a costly download agreement. NAR approved MLSlistings Inc.'s new MLS Rules that includes this restraint of trade provision that clearly favors large brokerages.

The amount of data needed using the 2000 methodology is equivalent to only eight current agent full listings. For an MLS, which restricts subscribers to 500 matching listings and currently has 19,500 active listings, to consider the data equivalent to 8 listings to require a bulk download agreement is ridiculous. Having learned a different methodology in 2000, the amount of data needed now is significantly less. Adding to the absurdity of this arbitrary rule, the data used to determine the market information isn't even in the bulk download data set.

I'm requesting the current proposed judgment be expanded such that any information a broker is allowed to publish in the mass media can also be published to the Internet without qualification. This would be similar to IDX/BLE that allows any brokerage to display certain basic listing information to the public without qualification. Basically, MLS rules shouldn't favor any particular type or size brokerage.

Should you have any questions, I can be reached at [icare\\_dou@yahoo.com](mailto:icare_dou@yahoo.com).

[FR Doc. E8-25989 Filed 11-3-08; 8:45 am]

BILLING CODE 4410-11-P

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

#### Solicitation for a Cooperative Agreement—Production of Seven Satellite/Internet Broadcasts

**AGENCY:** National Institute of Corrections, Department of Justice.

**ACTION:** Solicitation for a Cooperative Agreement.

**SUMMARY:** The Department of Justice (DOJ), National Institute of Corrections (NIC) announces the availability of funds in FY 2009 for a cooperative agreement to fund the production of seven satellite/Internet broadcasts. Five of the proposed satellite programs are nationwide satellite/Internet broadcasts (three and four hours each). One of the programs is eight-hours in length and is for site coordinators as a precursor to a 32-hour program. Another is a satellite/Internet Training Program which will be sixteen hours in length (four hours each day, Monday through Thursday). There will be a total of 39 hours of broadcast time in FY 2009.

**DATES:** Applications must be received by 4 p.m. (EST) on Friday, November 21, 2008.

**ADDRESSES:** Mailed applications must be sent to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington DC 20534. Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date.

Faxed applications will not be accepted. Electronic applications can be submitted via <http://www.grants.gov>.

**FOR FURTHER INFORMATION CONTACT:** All technical and/or programmatic questions concerning this announcement should be directed to Ed Wolahan, Corrections Program Specialist, at 791 Chambers Road, Aurora, CO 80011, or by calling 800-995-6429, ext. 4419, or by e-mail at [ewolahan@bop.gov](mailto:ewolahan@bop.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** Satellite/Internet Broadcasting is defined as a training/education process transpiring between trainers/teachers at one location and participants/students at other locations via technology. NIC is using satellite broadcasting and the Internet to economically reach more criminal justice staff in federal, state and local agencies. Another strong benefit of satellite delivery is its ability to broadcast programs conducted by experts in the correctional field, thus reaching the entire audience at the same time with exactly the same information.

In addition, NIC is creating stand-alone training programs on DVDs from its edited 3 and 32-hour satellite/Internet training programs that will be disseminated through its Information Center.

**Purpose:** The purpose of funding this initiative is to produce seven satellite/Internet broadcasts, disseminating current information to the criminal justice community. Five will be three-hours in length, one will be eight-hours in length, and one will be sixteen-hours in length.

**Scope of Work:** To address the scope of work for this project, the following will be needed:

**Producer Consultation and Creative Services:** The producer will: Consult and collaborate with NIC's Distance Learning Administrator (Executive Producer) on program design, program coordination, design of field segments and content development; work with each consultant/trainer to develop their modules for delivery using the satellite/Internet format and/or the teleconference format; help develop scripts, graphic design, production elements and rehearsals for each module of the site coordinators' training and the satellite/Internet training programs; and use their expertise in designing creative ways to deliver satellite teleconferencing.

The producer will also be responsible for attending planning meetings and assisting in the videotaping of testimonials at conferences.

**Pre-Production Video:** The producer will supervise the production of vignettes to be used in each of the satellite/Internet broadcasts, as well as each DVD production. NIC presenters (content experts) will draft outlines of the scripts for each vignette. From the outlines, scripts will be developed by the producer (script writing expert) and approved by NIC's Distance Learning Administrator. Professional actors will play the parts designated by the script. Story boards for each production will be written by NIC's Distance Learning Administrator. A total of between 18 and 25 vignettes will be created under this cooperative agreement.

The producer will supervise camera and audio crews to capture testimonials from leaders in the criminal justice field at designated conferences. (There will be four such conferences in 2009.) The producer will coordinate all planning of the production and post-production for each of the seven satellite/Internet broadcasts.

**Video Production:** Video production for each teleconference will consist of videotaping content-related events in the field, editing existing video, and

videotaping experts for testimonial presentations. It will also include voice-over, audio and music if necessary, for each video. Blank tapes and narration for field shooting will be purchased for each site. The format for all field shooting will be either Beta Cam, DVD Pro Digital and/or Mini DVD.

**Post Production (Studio):** Innovative and thought-provoking opening sequences will be produced for each teleconference. In addition, graphics will be utilized to enhance the learning in each module. The producer will coordinate art direction, lighting, set design, and furniture for all teleconference segments. (Set design should change periodically throughout the award period). The set will be customized to each topic. The producer will organize and supervise the complete production crew on rehearsal and production days, per the schedules below. This will also include the production of DVD's for each broadcast and the editing necessary for a final and approved cut.

**Production:** The production group will set up and maintain studio lighting, adjust audio, and have a complete production crew for the days and hours set by the Distance Learning Administrator. A production crew shall include the following: Director, Audio Operator, Video Operator, Character Generator Operator, Floor Director, Four (4) Camera Operators, Teleprompter Operator, On-Line Internet Coordinator, Make-Up Artist (production time only), and Interactive Assistance Personnel (fax, e-mail, and telephone). Each production shall also have closed captioning for all programs.

After each production, the studio will provide 12 VHS or DVD copies to NIC and the Master on Beta Cam and DVD. The DVD will have a splash page that will break down each module, each day, and the vignettes that have been produced for each program.

For each three-hour program, NIC will receive one DVD with splash page. For the eight-hour program, NIC will receive two DVD's and, for the sixteen-hour program, four DVD's will be provided, with splash page on each. Each DVD will be edited to provide the necessary content under the direction of the Distance Learning Administrator.

**Transmission:** The producer will: Purchase satellite uplink time that will include the footprints of Alaska, Hawaii, Virgin Islands, and the Continental United States; acquire downlink transponder time for KU-Band; purchase Internet streaming of 200 simultaneous feeds for each program; and be able to provide closed captioning on the Internet feed.

**Equipment:** Applicants must have a minimum of the following equipment: Broadcast Studio of approximately 2,000 square feet, with an area for a studio audience of between 15 and 20 people; four Digital Studio Cameras (one of which must be an overhead camera with robotic control); Chroma Key: at least one wall with chroma key capability, along with a digital ultimate keying system; a tape operation facility providing playback/record in various formats, including DV, Betacam, Betacam SP, SVHS, VHS, U-Matic 3/4 & SP; Advit or comparable editing bay; three-dimensional animation with computer graphics; Internet streaming capacity for several hundred simultaneous downloads in both G2 Real Player and Microsoft Media Player-Capture Closed Captioning; ability to archive four selected satellite/Internet broadcasts from FY 2008 and all seven broadcasts from FY 2009; Computer Teleprompter for at least three studio cameras; Interruptible Fold Back (IFB) or In Ear Monitor (IEM) for all presenters and the moderator during the three hour programs and an (IFB) for each presenter during the eight-hour and sixteen-hour programs; individual control from control room to the Distance Learning Administrator; wireless microphones for each presenter during the three, eight, and sixteen-hour programs; microphones for the studio audience at each round table (should be able to pick up audio during the training program); Satellite Uplink and Transponder: KU-Band Digital with the footprints of Alaska, Hawaii, Virgin Islands, and the Continental United States; and Portable Field Equipment—Digital Video Cameras with recording decks, portable lighting kits, microphones (both hand-held and lapel), field monitors, audio mixers, and camera tripods.

**Personnel:** Applicants must have a minimum of the following qualified personnel: Producer/Director; Script Writer; Set Designer; Lighting Designer; Audio Operator; Graphics Operator; Graphics Artist; Floor Manager; Studio Camera Operators (4); Tape Operator; Location Camera Operator; Teleprompter Operator; Clerical/Administrative Support; Makeup Artist (as needed during production); Closed Caption Operator (as needed during production);

**Application Requirements:** Applications should be concisely written, typed double spaced and reference the project by the "NIC Application Number" and Title in this announcement. The package must include: a cover letter that identifies the audit agency responsible for the

applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); a program narrative in response to the statement of work and a budget narrative explaining projected costs. The following forms must also be included: OMB Standard Form 424, Application for Federal Assistance; OMB Standard Form 424A, Budget Information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (these forms are available at <http://www.grants.gov>) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at <http://www.nicic.gov/Downloads/PDF/certif-fm.pdf>).

Applications may be submitted in hard copy, or electronically via <http://www.grants.gov>. If submitted in hard copy, there needs to be an original and six copies of the full proposal (program and budget narratives, application forms and assurances). The original should have the applicant's signature in blue ink.

**Authority:** Public Law 93–415.

**Funds Available:** NIC is seeking the applicants' best ideas regarding accomplishment of the scope of work and the related costs for achieving the goals of this solicitation. The final budget and award amount will be negotiated between NIC and the successful applicant. Funds may only be used for the activities that are linked to the desired outcome of the project.

This project will be a collaborative venture with the NIC Academy Division.

**Eligibility of Applicants:** An eligible applicant is any public or private agency, educational institution, organization, individual or team with expertise in the described areas.

**Review Considerations:** Applications received under this announcement will be subjected to an NIC three to five member review panel.

**Note:** NIC will NOT award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the Central Contractor Registry (CCR).

A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, you would dial 1–866–705–5711 and select option 1).

Registration in the CRR can be done online at the CRR Web site: <http://www.crr.gov>. A CRR Handbook and worksheet can also be reviewed at the Web site.

**Number of Awards:** One (1).

**NIC Application Number:** 09A54.

This number should appear as a reference line in your cover letter, in box 4a of Standard Form 424, and outside of the envelope in which the application is sent.

**Catalog of Federal Domestic Assistance Number:** 16.601.

**Executive Order 12372:** This program is not subject to the provisions of Executive Order 12372.

**Morris Thigpen,**

*Director, National Institute of Corrections.*

[FR Doc. E8–26241 Filed 11–3–08; 8:45 am]

**BILLING CODE 4410–36–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Proposed Collection of Information; Comment Request

**ACTION:** Notice of an Opportunity for Public Comment

**ACTION:** Notice; correction.

**SUMMARY:** The Department of Labor, Office of the Secretary published a notice in the **Federal Register**. Proposed Collection of Information; Comment Request. The Department is issuing a correction of the comment date as this should have been published as a 60 day notice.

#### Correction

This is to correct the comment date in the **Federal Register** of October 20, 2008, Vol. 73, No. 203 on page 62319, in section marked Dates, to read:

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before December 19, 2008.

Signed at Washington, DC, this 29th day of October 2008.

**Edward C. Hugler,**

*Deputy Assistant Secretary for Administration and Management.*

[FR Doc. E8–26226 Filed 11–3–08; 8:45 am]

**BILLING CODE 4510–23–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2008–0048]

#### The Asbestos in Shipyards Standard; Extension of the Office of Management and Budget's Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comment concerning its proposal to extend OMB approval of the information collection requirements specified in the Asbestos in Shipyards Standard (29 CFR 1915.1001).

**DATES:** Comments must be submitted (postmarked, sent, or received) by January 5, 2009.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2008–0048, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA–2008–0048). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov>