filed any periodic reports since the period ended November 2, 1996.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bethlehem Corp. because it has not filed any periodic reports since the period ended February 28, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bogue Electric Manufacturing Co. (n/k/a Bogue International, Inc.) because it has not filed any periodic reports since the period ended September 30, 1998.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 15, 2008, through 11:59 p.m. EDT on September 26, 2008.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E8–21830 Filed 9–15–08; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58521; File No. SR–BATS–2008–002]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend BATS Rule 11.5, entitled ''Orders and Modifiers,'' To Provide for a New Order Type—Modified Directed Intermarket Sweep Order

September 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 8, 2008, BATS Exchange, Inc. (''BATS'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend BATS Rule 11.5, entitled ''Orders and Modifiers,'' to provide for a new order type, a Modified Directed Intermarket Sweep Order (''Modified Directed ISO'').

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide an additional order type to Users of the Exchange. The proposed new order type is a ''Modified Directed Intermarket Sweep Order'' (''Modified Directed ISO''). A Modified Directed ISO is an order that bypasses the System and is immediately routed by the Exchange as an IOC ISO to an away trading center specified by the User for execution, provided that the away trading center must be displaying a Protected Quotation, as that term is defined in the Exchange's rules. If the ISO is not executed in its entirety at the away trading center, the Modified Directed ISO returns to the Exchange as an IOC ISO and any portion not executed at the Exchange will be cancelled back to the User. It is the entering Member's responsibility, not the Exchange's responsibility, to comply with the requirements of Regulation NMS relating to Intermarket Sweep Orders.

The Exchange believes that Modified Directed ISO's will enhance order execution opportunities for Exchange Users by allowing such Users to route ISOs to a specified trading center, and if not executed in whole or in part at such trading center, to have their orders filled as ISOs on the BATS book if there is available liquidity at the Exchange to fill the order. Accordingly, the addition of a Modified Directed ISO order type to BATS Rule 11.5 promotes just and equitable principles of trade, removes impediments to, and perfects the mechanism of, a free and open market and a national market system.

2. Statutory Basis

The Exchange believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[3] In particular, for the reasons described above, the proposed change is consistent with Section 6(b)(5) of the Act, because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78(f)(b).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BATS–2008–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2008–002. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2008–002 and should be submitted on or before October 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–21708 Filed 9–16–08; 8:45 am]

BILLING CODE 8010–01–P

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–58509; File No. SR–NASDAQ–2008–025]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 2 Thereto, To Establish a System for the Purchase of Equity Value Indicator Securities

September 10, 2008.

I. Introduction

On March 20, 2008, The NASDAQ Stock Market LLC, (''Nasdaq'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish an Equity Value Indicator (''EVI'') Cross. On July 23, 2008, the Nasdaq filed Amendment No. 1 to the proposed rule change. On July 30, 2008, Nasdaq withdrew Amendment No. 1 and filed Amendment No. 2 to the proposed rule change.[3] On August 7, 2008, the proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register**.[4] The Commission received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 2.

II. Background

Nasdaq has proposed to establish a system that will allow its members to purchase ''EVI Securities,'' which Nasdaq anticipates will entitle holders thereof to specified payments based on the exercise of stock options previously granted to employees of the issuer. This system—designated by Nasdaq the ''EVI Cross''—is designed to generate a market-based value of employee stock options for purposes of FASB Statement of Financial Accounting Standards No. 123(R). EVI Securities will represent a payment obligation of the issuer, but will not represent any direct ownership interest in the issuing company or in the associated employee stock options. The issuer will make available to the public the number of EVI Securities available in the EVI Cross, the limit price (if any), and the terms and features of its EVI Securities, such as how payments are calculated, maturity dates, and form of payment.

Nasdaq is not proposing to list or provide a secondary market for EVI Securities. An issuer will be able to sell, and Nasdaq members will be able to buy, EVI Securities in a single auction. Nasdaq members would access the EVI Cross system through existing interfaces for order entry, although the EVI Cross system will be separate from the Nasdaq Market Center execution system. The EVI Cross system is modeled on the technology used for Nasdaq's existing crossing mechanisms such as its Opening and Closing Crosses, the Nasdaq Crossing Network, and its Halt Cross. Nasdaq anticipates that an issuer, if it chose to use the EVI Cross, would do so on the first trading day following the grant of employee stock options.

To initiate an auction, a Nasdaq member authorized to act on behalf of the issuer of EVI Securities would enter an order specifying a quantity of EVI Securities to sell; a limit price is optional. After 4 p.m. on the day of the auction, the sell order could not be modified but could be cancelled as late as 4:45 p.m. On the day of the auction, any Nasdaq member could submit a limit order to buy with a designated size. Beginning at 4 p.m. and periodically thereafter, Nasdaq would disseminate information about the anticipated execution price, which is the single highest price at which the maximum amount of interest could be paired. Based on this information, prospective buyers could submit new orders and potentially increase the anticipated execution price. Executions would occur at 5 p.m., unless the system extends the auction process because the anticipated execution price changes by a designated amount in the minute before the designated time of execution. If the remaining size of the sell order cannot fill all the buy orders at the execution price, allocations would be made based on time priority. All executions would be reported to the National Securities Clearing Corporation and disseminated via a data feed.

Nasdaq would charge an issuer tiered fees depending on the total value of the EVI offering. The fee would be 2 percent of the first $10,000,000 of the total value of an EVI offering. If the value of the EVI offering is above $10,000,000, Nasdaq would charge an additional fee of 1.5 percent of the value of the EVI offering above $10,000,000. The total fees, however, would not exceed $1,500,000. Nasdaq would not assess a fee if the EVI Cross is not carried out. Nasdaq members would be required to establish a new port for connectivity to access the EVI Cross system. However, Nasdaq

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 2 replaced the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 58275 (July 31, 2008), 73 FR 46129.