FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief or Toyin Momoh, Senior Counsel at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, filed June 23, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16466 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106067; File No. SR–ISE–2026–42]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Amend the Criteria for Underlying Securities

August 10, 2026.

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 July 28, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 proposes to amend Options 4, Section 3, Criteria for Underlying Securities, to adopt listing criteria for options on Commodity-Based Trusts that hold one or more digital commodities.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

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 aspects of such statements.

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

1. Purpose

The Exchange proposes to amend its listing rules at ISE Options 4, Section 3, Criteria for Underlying Securities. Specifically, the Exchange proposes to amend the criteria for listing options on Exchange-Traded Fund Shares (''ETFs'') at Options 4, Section 3(h).

Background

Currently, Options 4, Section 3(h)(vi) specifies that ISE may list and trade options on shares of a Commodity-Based Trust that meets the generic criteria of The Nasdaq Stock Market LLC (''Nasdaq'') Rule 5711(d)[3] provided the trust holds a single crypto asset or multiple crypto assets.[4] Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG'').

Proposal

In light of the recent approval of a proposal that modified the generic listing standards for Commodity-Based Trusts at Nasdaq Rule 5711(d),[5] the Exchange proposes to amend Options 4, Section 3(h)(3) to align the options rules with the rule text adopted in SR–NASDAQ–2026–032, which will permit the Exchange to list options on Commodity-Based Trust Shares pursuant to the revised listing standards of Nasdaq Rule 5711(d).

Digital Commodity

First, the Exchange proposes to amend Options 4, Section 3(h) to replace the term ''crypto asset'' with the term ''digital commodity.'' Options 4, Section 3(h) defines the term ''crypto asset'' as an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that relies on cryptographic protocols. The proposal will define the term ''digital commodity'' to mean a commodity that is a digital asset and is intrinsically linked to, and derives its value from, the

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

[2] 17 CFR 240.19b–4.

[3] Nasdaq Rule 5711(d) permits the listing and trading of certain qualifying exchange-traded products that physically hold commodities like precious metals and digital asset commodities on the Exchange. Pursuant to Nasdaq Rule 5711(d), the term ''Commodity-Based Trust Shares'' means a security that: (1) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (2) is designed to reflect the performance of one or more reference assets or an index of reference assets, less expenses and other liabilities; (3) in order to reflect the performance as provided in (d)(iii)(A)(2) above, is issued by a Trust that holds (a) one or more commodities or commodity-based assets as defined in (d)(iii)(C) below, and (b) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (4) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (a) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share; and (5) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (a) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share.

[4] The term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that rely on cryptographic protocols. *See* Options 4, Section 3(h)(3).

[5] *See* Securities Exchange Act Release No. 105995 (July 27, 2026) (SR–NASDAQ–2026–032) (not yet published) (''SR–NASDAQ–2026–032''). This proposal allowed for a buffer of up to 15% of the net asset value of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the eligibility criteria under the generic listing standards; added a definition for digital commodity (as defined below); and allowed for actively-managed strategies.

programmatic operation of a functional crypto system, as well as supply and demand dynamics, rather than from the expectations of profits from the essential managerial efforts of others.

The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the Commodity Futures Trading Commission (''CFTC''), effective March 23, 2026,[6] and would align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on interests in a Commodity-Based Trust. Practically, the term ''crypto asset'' is more broadly defined—it captures anything that (1) is generated, issued, or transferred on a blockchain or similar Distributed Ledger Technology (''DLT'') network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive (''including but not limited to'' tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. This is in contrast to the term ''digital commodity,'' which is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity. Under the proposal, a digital commodity (i) must be a commodity as provided in the Commodity Exchange Act; [7] (ii) its value must be ''intrinsically linked to and derives from the programmatic operation of a functional crypto system'' and market dynamics; and (iii) its value must not be derived from ''the expectations of profits from the essential managerial efforts of others,'' which excludes assets that would be classified as securities.[8]

Comprehensive Surveillance Sharing Agreement

Second, to more closely align with Commodity-Based Trusts that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4, Section 3(h)(3)(B) to require that each digital commodity held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group, except that up to 15% of the net asset value (''NAV'') of the Commodity-Based Trust holdings in the aggregate may consist of digital commodities that do not meet this requirement. As noted above, today, each crypto asset held by the Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

SR–NASDAQ–2026–032 amended Nasdaq Rule 5711(d) to allow up to 15% of the NAV of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the generic listing standards eligibility criteria in subparagraphs (A) [9] and (B) [10] of Nasdaq Rule 5711(d)(iv). Specifically, new subparagraph (C) of Nasdaq Rule 5711(d)(iv) provides that notwithstanding the eligibility requirements in Nasdaq Rule 5711(d)(iv)(A) and (B), up to 15% of the NAV of the Commodity-Based Trust Shares holdings in the aggregate may consist of (i) digital commodities that do not meet the criteria in subparagraph (A) of Nasdaq Rule 5711(d)(iv), or (ii) securities that do not meet the criteria in subparagraph (B) of Nasdaq Rule 5711(d)(iv).

The proposed amendment will permit the Exchange to list options on shares of Commodity-Based Trusts that meet the criteria in Nasdaq Rule 5711(d), as amended, provided these options satisfy the conditions in proposed Options 4, Section 3(h)(4). Currently, Options 4, Section 3(h)(3)(A) requires that to list options on shares of a Commodity-Based Trust pursuant to Options 4, Section 3(h)(vi), the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust must have an average daily market value of at least $700 million over the last 12 months. Options 4, Section 3(h)(3)(A), as proposed, will require that the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust have an average daily market value of at least $700 million over the last 12 months in addition to the proposed requirement in Options 4, Section 3(h)(3)(B). Proposed Options 4, Section 3(h)(3) would state.

Additionally, with respect to a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi), the following requirements are satisfied: (A) the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each digital commodity held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group except that up to 15% of the NAV of the Commodity-Based Trust holdings in the aggregate may consist of digital commodities that do not meet this requirement.

Having adequate liquidity in the trust's constituent digital commodities ensures that the creation and redemption process for trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the trust shares closely tethered to the trust's net asset value. A tight NAV-to-price relationship, in turn, produces reliable pricing inputs for options overlying the trust shares, directly protecting options investors from the risk of trading instruments whose reference prices have become disconnected from fundamental value. Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a

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[6] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[7] *See* 7 U.S.C. 1a(9).

[8] *See* proposed Options 4, Section 3(h)(3).

[9] Subparagraph (A) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for commodity and commodity-based asset holdings of Commodity-Based Trust Shares. Specifically, each commodity or commodity that underlies a commodity-based asset held by the Trust must fall into at least one of the following categories in subparagraphs (A): (1) the commodity trades on a market that is an ISG member; provided that the Exchange may obtain information about trading in such commodity from the ISG member; or (2) the commodity underlies a futures contract that has been made available to trade on a designated contract market for at least six months; provided that the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, with such designated contract market; or (3) on an initial basis only, an exchange-traded fund (''ETF'') designed to provide economic exposure of no less than 40% of its NAV to the commodity lists and trades on a national securities exchange.

[10] Subparagraph (B) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for the Trust's security holdings. Specifically, if the Trust holds any securities, each security held by the Trust would need to meet the criteria of Nasdaq Rule 5735 (Managed Fund Shares), Sections b(1)(A) and (B), or if the security is a listed option, trades on an ISG market.

good measure of liquidity to prevent the addition of options trading on the Commodity-Based Trust from disrupting the market for the underlying security. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on the trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the trust's commodity holdings, even where the surveillance requirement applies to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the trust's holdings not covered by surveillance sharing agreements would constitute a small fraction of the trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. This structural feature, the dilution of any single constituent's influence across the broader trust portfolio, provides an additional investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts.

In addition, options on Commodity-Based Trust Shares are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation.

Finally, the Exchange will continue to require each underlying digital commodity to have a requisite amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trusts.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Listing options on Commodity-Based Trusts will continue to provide investors with the ability to hedge their exposure to the underlying trust in a timely manner. Similar to options on any other exchange-traded fund, options on Commodity-Based Trusts offer investors a lower-cost tool to manage their exposure to the price of a digital commodity. Additionally, listing these options on a national securities exchange, rather than trading in the over-the-counter ("OTC") options market, increases market transparency and enhances the process of price discovery to the benefit of all investors.

In addition, the Exchange believes that its proposal to amend the listing criteria at Options 4, Section 3(h)(vi) with respect to options on Commodity-Based Trusts will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it would allow the Exchange to immediately list and trade qualifying options on Commodity-Based Trusts, provided the initial listing criteria have been met, without any additional approvals from the Commission.

Specifically, the Exchange's proposal to amend Options 4, Section 3(h) to replace the term and meaning of "crypto asset" with "digital commodity" is consistent with the Act. The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the CFTC, effective March 23, 2026,[14] and would: (i) align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on interests in a Commodity-Based Trust; and (ii) permit options to be listed on shares of a Commodity-Based Trust pursuant to Nasdaq Rule 5711(d), as amended.

Practically, the term "crypto asset" is more broadly defined in that it captures anything that (1) is generated, issued, or transferred on a blockchain or similar DLT network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive ("including but not limited to" tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. This is in contrast to the term "digital commodity," which is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity; rather, a digital commodity must (i) be a commodity as provided in the Commodity Exchange Act;[15] (ii) its value must be "intrinsically linked to and derives from the programmatic operation of a functional crypto system" and market dynamics; and (iii) its value must not be derived from "the expectations of profits from the essential managerial efforts of others" which excludes assets that would be classified as securities.

Beyond the definitional change, and to more closely align with Commodity-Based Trust Shares that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4,

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* "Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets," 91 FR 13714 (March 23, 2026).

[15] *See* 7 U.S.C. 1a(9).

Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG. This proposal is consistent with the Act as the vast majority of the economic value of the trust's portfolio will remain subject to the same comprehensive surveillance framework that the Commission has previously found sufficient to address concerns about fraud and manipulation for listing options on Commodity-Based Trust Shares.

Under this surveillance framework, the Exchange maintains surveillance sharing agreements with ISG members. Surveillance sharing agreements provide the Exchange access to trading data, clearing data, and customer identity information from the market where the underlying commodity derivatives trade, enabling detection of coordinated or manipulative activity across markets. Specifically, the surveillance sharing agreements create robust mechanisms for sharing information related to trading activity, clearing activity, and customer identity, enabling the Exchange to detect and investigate potentially manipulative trading patterns in the underlying digital commodity derivatives markets. The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the trust's holdings not covered by surveillance sharing agreements would constitute a small fraction of the trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options.

The proposal is also consistent with the Act's investor-protection objectives because it preserves the liquidity conditions on which reliable options pricing depends. Having adequate liquidity in the trust's constituent digital commodities ensures that the creation and redemption process for trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the trust shares closely tethered to the trust's net asset value. A tight NAV-to-price relationship, in turn, produces reliable pricing inputs for options overlying the trust shares, directly protecting options investors from the risk of trading instruments whose reference prices have become disconnected from fundamental value.

The multi-asset structure of the trust also provides a structural safeguard against manipulation. Attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. Commodity-Based Trust Shares listed on national securities exchanges are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These features provide the Exchange and market participants with continuous visibility into the composition and value of the trust, creating an additional layer of protection against manipulation. Finally, the Exchange currently surveils the trading of options on Commodity-Based Trust Shares and will continue to do so under the proposed amended criteria.

Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a good measure of liquidity to prevent the addition of options trading on the Commodity-Based Trust from disrupting the market for the underlying security. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on the trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the trust's commodity holdings, even where the surveillance requirement applies to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent fraud and manipulation, consistent with Section 6(b)(5)'s objectives of preventing fraudulent and manipulative acts and practices and protecting investors and the public interest. That portion of the trust's holdings would constitute a small fraction of the trust's total value, and an attempt to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on those assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. This structural dilution of any single constituent's influence across the broader trust portfolio provides an investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts, operating in addition to—rather than in place of—the 85% surveillance framework and the ongoing listing and disclosure requirements described elsewhere in this filing.

Continuous disclosure obligations provide a further safeguard against manipulation. Commodity-Based Trust Shares listed are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation.

In addition, the Exchange will continue to require each underlying digital commodity to have a requisite amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trusts. Today, the Exchange has a comprehensive surveillance sharing agreement in place with both the CME and Coinbase Derivatives through its common membership in ISG. This facilitates the sharing of information that is available to the CME and Coinbase Derivatives through their surveillance of their respective markets, including their surveillance of their respective digital asset futures markets.

Finally, options on qualifying Commodity-Based Trusts must continue to satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all ETFs, including ETFs that hold other digital commodities already deemed appropriate for options trading on the Exchange in addition to the proposed criteria.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the term aligns with the terminology utilized in Nasdaq Rule 5711(d). Options on qualifying Commodity-Based Trusts would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, options on qualifying Commodity-Based Trusts will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on qualifying Commodity-Based Trusts.

The Exchange does not believe that the proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trusts that hold digital commodities.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all options on Commodity-Based Trust Shares will be listed pursuant to the same listing standards and will be available to all market participants.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trusts that hold digital commodities.

Additionally, the Exchange notes that listing and trading options on qualifying Commodity-Based Trusts on the Exchange will subject such options to transparent exchange-based rules while enhancing price discovery and liquidity, rather than trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

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

No written comments were either solicited or received.

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

Within 45 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 shall: (a) by order approve or disapprove 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 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 (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–42 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–ISE–2026–42. This file number should be included on the subject line if email 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 website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–42 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16460 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission (Commission) will hold an Open Meeting on Friday, August 14, 2026, at 10:00 a.m. (ET).

PLACE: The meeting will be held in Auditorium LL–002 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549 and will be simultaneously webcast on the Commission's website at *www.sec.gov.*

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Visitors will be subject to security checks. The meeting also will be open to the public via webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED:

1. The Commission will consider whether to issue a release proposing new rules to create a tailored offering regime for certain investment contracts involving crypto assets.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: August 10, 2026.

Vanessa A. Countryman,

Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106063; File No. SR–PHLX–2026–50]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the PHLX Pricing Schedule at Options 7, Sections 2 (Customer Rebate Program) and 4 (Multiply Listed Options Fees)

August 10, 2026.

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 July 31, 2026, Nasdaq PHLX LLC (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 proposes to amend the PHLX Pricing Schedule at Options 7, Sections 2 (Customer Rebate Program) and 4 (Multiply Listed Options Fees).

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on August 3, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

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 aspects of such statements.

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

1. Purpose

PHLX proposes to amend its Pricing Schedule at Options 7, Section 2 (Customer Rebate Program) and Section 4 (Multiply Listed Options Fees).

Options 7, Section 2 (Customer Rebate Program)

Currently, the Exchange pays rebates on five Customer[3] Rebate Tiers according to four categories. The Customer Rebate Tiers below are calculated by totaling Customer volume in Multiply Listed Options (including SPY) that are electronically-delivered and executed, except volume associated with electronic Qualified Contingent Cross Orders, as defined in Options 3, Section 12. Rebates are paid on Customer Rebate Tiers according to the below categories.[4]

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding SPY options (monthly)	Category A	Category B	Category C	Category D
Tier 1	0.00%–0.60%	$0.00	$0.00	$0.00	$0.00
Tier 2	Above 0.60%–1.50%	0.10	0.10	0.16	0.21
Tier 3	Above 1.50%–2.00%	0.15	0.12	0.18	0.22
Tier 4	Above 2.00%–2.50%	0.20	0.16	0.22	0.26
Tier 5	Above 2.50%	0.21	0.17	0.22	0.27

[16] 17 CFR 200.30–3(a)(12).

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

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)). *See* Options 7, Section 1(c).

[4] Members and member organizations under Common Ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Affiliated Entities may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. *See* Options 7, Section 2. Rebates are not paid on broad-based index options symbols listed within Options 7, Section 5.A. in any Category, however broad-based index options symbols listed within Options 7, Section 5.A. count toward the volume requirement to qualify for a Customer Rebate Tier.