proposed rule change is designed to enable the Exchange to incorporate Options 10, Section 27 into the 17d–2 Agreement, further reducing duplicative regulation of Members that are also members of FINRA. For the avoidance of doubt, Options 10, Section 27 would equally apply to Exchange-only Member as the Exchange believes it appropriately protects against improprieties that might arise when substantial gifts or monetary payments are given to certain persons.

The Exchange believes the proposed rule change would promote efficiency without reducing protection for investors and the public interest. The proposed changes to Options 10, Section 27 to conform to the rules of FINRA improve transparency, awareness, and understanding of the Rule's requirements. The Exchange believes these proposed changes would also help facilitate compliance with Options 10, Section 27.

Technical Amendment

The Exchange's proposal to remove dated rule text from Options 10, Section 7 is a non-substantive amendment that does not impact the rule implementation.

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 not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to provide greater harmonization among Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members and facilitating FINRA's performance of its regulatory functions under the 17d–2 Agreement. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or 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–2026–49 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–2026–49. 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–2026–49 and should be submitted on or before October 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

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[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106338; File No. SR–NASDAQ–2026–004]

In the Matter of The Nasdaq Stock Market LLC; Order Granting Petitions for Review and Scheduling Filing of Statements Regarding an Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt a New Continued Listing Requirement

September 11, 2026.

This matter comes before the Securities and Exchange Commission ("Commission") on petition to review the approval, pursuant to delegated authority, of The Nasdaq Stock Market LLC's ("Nasdaq") proposed rule change (File No. SR–NASDAQ–2026–004) to adopt a new continued listing requirement.

On January 13, 2026, Nasdaq filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on January 29, 2026.[3] On March 11, 2026, the Division of Trading and Markets ("Division"), for the Commission pursuant to delegated authority,[4] designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On April 28, 2026, the Division, for the Commission pursuant to delegated

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

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104688 (Jan. 26, 2026), 91 FR 3935.

[4] *See* 17 CFR 200.30–3(a)(31).

[5] *See* Securities Exchange Act Release No. 104968, 91 FR 12631 (Mar. 16, 2026).

authority,[6] instituted proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.[8]

On June 18, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. Amendment No. 1 was published for comment in the **Federal Register** on June 25, 2026.[9] The Commission received comments regarding the proposed rule change.[10]

On July 22, 2026, after consideration of the record in the proposed rule change, the Division, for the Commission pursuant to delegated authority,[11] approved the proposed rule change, as modified by Amendment No. 1 (''Approval Order'').[12]

Pursuant to Rule 430 of the Commission's Rules of Practice,[13] on July 29, 2026, the Small Public Company Coalition (''SPCC'') and Cemtrex, Inc. (''Cemtrex'') each filed a notice of intention to petition for review of the Approval Order,[14] and on August 5, 2026, SPCC and Cemtrex each filed a petition for review of the Approval Order.[15] Pursuant to Rule 431(e) of the Commission's Rules of Practice, notice of intention to petition for review results in an automatic stay of the action by delegated authority until the Commission orders otherwise.[16]

Pursuant to Rule 431 of the Commission's Rules of Practice,[17] the petitions of SPCC and Cemtrex for review of the Approval Order are granted. Further, the Commission hereby establishes that any party or other person may file a written statement in support of or in opposition to the Approval Order on or before October 6, 2026.

For the reasons stated above, it is hereby:

Ordered that the petitions of SPCC and Cemtrex for review of the Division's action made pursuant to delegated authority are *granted;* and

It is further *ordered* that any party or other person may file a statement in support of or in opposition to the action made pursuant to delegated authority on or before October 6, 2026.

It is further *ordered* that the Approval Order shall remain stayed pending further order of the Commission.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

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[6] *See* 17 CFR 200.30–3(a)(57).

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 105333, 91 FR 23495 (May 1, 2026).

[9] *See* Securities Exchange Act Release No. 105747 (June 22, 2026), 91 FR 38460.

[10] Comments received on the proposed rule change are available at: *https://www.sec.gov/rules-regulations/public-comments/sr-nasdaq-2026-004.*

[11] *See* 17 CFR 200.30–3(a)(12).

[12] *See* Securities Exchange Act Release No. 105971, 91 FR 46995 (July 27, 2026).

[13] 17 CFR 201.430.

[14] *See* SPCC, Notice of Intention to Petition for Review (July 29, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/notice-intent-petition-spcc-072926.pdf;* Cemtrex, Notice of Intention to Petition for Review (July 29, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/notice-intent-petition-cemtrex-inc-072926.pdf. See also* bioAffinity Technologies, Inc., Notice of Intention to Petition for Review (July 30, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/bioaffinity-073126.pdf;* Netcapital Inc., Notice of Intention to Petition for Review (July 30, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/netcapital-inc-073126.pdf;* Twin Vee Powercats Co., Notice of Intention to Petition for Review (July 30, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/twin-vee-powercats-co-073126.pdf.* bioAffinity Technologies, Inc., Netcapital Inc., and Twin Vee Powercats Co. did not file a petition for review.

[15] *See* SPCC, Petition for Review (Aug. 5, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/34-105971-petition-small-public-company-coaltion.pdf;* Cemtrex, Petition for Review (Aug. 5, 2026), *available at https://www.sec.gov/files/rules/sro/nasdaq/2026/34-105971-petition-cemtrex.pdf.*

[16] 17 CFR 201.431(e).

[17] 17 CFR 201.431.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106329; File No. 4–546]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Options Order Protection and Locked/Crossed Market Plan To Add Investors Exchange LLC as a Participant

September 10, 2026.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on September 1, 2026, Investors Exchange LLC (''IEX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') an amendment to the Options Order Protection and Locked/Crossed Market Plan (''Plan'').[3] The amendment adds IEX as a Participant[4] to the Plan. The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The Plan requires the options exchanges to establish a framework for providing order protection and addressing locked and crossed markets in eligible options classes. The amendment to the Plan adds IEX as a Participant. The other Plan Participants are BOX, Cboe, Cboe BZX, Cboe C2, Cboe EDGX, MEMX, MIAX, Emerald, PEARL, Sapphire, Nasdaq, Nasdaq BX, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, Nasdaq Phlx, NYSE American, and NYSE Arca. IEX has submitted an executed copy of the Plan to the Commission in accordance with the procedures set forth in the Plan regarding new Participants. Section 3(c) of the Plan provides for the entry of new Participants to the Plan. Specifically, Section 3(c) of the Plan provides that an Eligible Exchange[5] may become a

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] On July 30, 2009, the Commission approved the Plan, which was proposed by Chicago Board Options Exchange, Incorporated (''Cboe''), International Securities Exchange, LLC (''ISE'') (n/k/a Nasdaq ISE, LLC (''Nasdaq ISE'')), The NASDAQ Stock Market LLC (''Nasdaq''), NASDAQ OMX BX, Inc. (''BX'') (n/k/a Nasdaq BX, Inc. (''Nasdaq BX'')), NASDAQ OMX PHLX, Inc. (''Phlx'') (n/k/a Nasdaq Phlx LLC (''Nasdaq Phlx'')), NYSE Amex, LLC (''NYSE Amex''), and NYSE Arca, Inc. (''NYSE Arca''). *See* Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (Aug. 6, 2009). *See also* Securities Exchange Act Release No. 61546 (Feb. 19, 2010), 75 FR 8762 (Feb. 25, 2010) (adding BATS Exchange, Inc. (''BATS'') (n/k/a Cboe BZX Exchange, Inc. (''Cboe BZX'')) as a Participant); 63119 (Oct. 15, 2010), 75 FR 65536 (Oct. 25, 2010) (adding C2 Options Exchange, Incorporated (''C2'') (n/k/a Cboe C2 Exchange, Inc. (''Cboe C2'')) as a Participant); 66969 (May 12, 2015), 77 FR 29396 (May 17, 2012) (adding BOX Options Exchange LLC (''BOX Options'') as a Participant); 70763 (Oct. 28, 2013), 78 FR 65740 (Nov. 1, 2013) (adding Topaz Exchange, LLC (''Topaz'') (n/k/a Nasdaq GEMX, LLC (''Nasdaq GEMX'') as a Participant); 70762 (Oct. 28, 2013), 78 FR 65733 (Nov. 1, 2013) (adding MIAX International Securities Exchange, LLC (''MIAX'') as a Participant); 76823 (Jan. 5, 2016), 81 FR 1260 (Jan. 11, 2016) (adding EDGX Exchange, Inc. (''EDGX'') (n/k/a Cboe EDGX Exchange, Inc. (''Cboe EDGX'')) as a Participant); 77324 (Mar. 8, 2016), 81 FR 13425 (Mar. 14, 2016) (adding ISE MERCURY, LLC (''ISE Mercury'') (n/k/a Nasdaq MRX, LLC (''Nasdaq MRX'')) as a Participant); 79896 (Jan. 30, 2017), 82 FR 9264 (Feb. 3, 2017) (adding MIAX Pearl (''PEARL'')) as a Participant); 85229 (Mar. 1, 2019), 84 FR 8347 (Mar. 7, 2019) (adding MIAX Emerald, LLC (''Emerald'') as a Participant); 98303 (Sept. 6, 2023) 88 FR 62610 (Sept. 12, 2023) (adding MEMX, LLC (''MEMX'') as a Participant); and 100657 (Aug. 5, 2024), 89 FR 65467 (Aug. 9, 2024) (adding MIAX Sapphire LLC (''Sapphire'')).

[4] The term ''Participant'' is defined as an Eligible Exchange whose participation in the Plan has become effective pursuant to Section 3(c) of the Plan.

[5] Section 2(6) of the Plan defines an ''Eligible Exchange'' as a national securities exchange registered with the Commission pursuant to Section 6(a) of the Act, 15 U.S.C. 78f(a), that: (a) is a ''Participant Exchange'' in the Options Clearing Corporation (''OCC'') (as defined in OCC By-laws, Section VII); (b) is a party to the Options Price Reporting Authority (''OPRA'') Plan (as defined in the OPRA Plan, Section 1); and (c) if the national securities exchange chooses not to become part to this Plan, is a participant in another plan approved