

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-96969; File No. SR-NASDAQ-2022-077)

February 23, 2023

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change to Amend Rule 4702 to Establish New “Contra Midpoint Only” and “Contra Midpoint Only with Post-Only” Order Types

On December 22, 2022, The Nasdaq Stock Market LLC (“Nasdaq”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Rule 4702 to establish new “Contra Midpoint Only” and “Contra Midpoint Only with Post-Only” order types. The proposed rule change was published for comment in the Federal Register on January 11, 2023.³ The Commission received comment on the proposed rule change.⁴

Section 19(b)(2) of the Act⁵ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th

¹ 15 U.S.C.78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 96601 (Jan. 5, 2023), 88 FR 1616.

⁴ Comment received by the Commission on the proposed rule change is available on the Commission’s website at: <https://www.sec.gov/comments/sr-nasdaq-2022-077/srnasdaq2022077.htm>.

⁵ 15 U.S.C. 78s(b)(2).

day after publication of the notice for this proposed rule change is February 25, 2023. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and comment received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates April 11, 2023 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NASDAQ-2022-077).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,
Assistant Secretary.

⁶ Id.

⁷ 17 CFR 200.30-3(a)(31).