

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-99687; File No. SR-PHLX-2023-40)

March 7, 2024

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Withdrawal of a Proposed Rule Change, as Modified by Partial Amendment No. 1, to Amend Equity 4, Rules 3301A and 3301B to Establish New “Contra Midpoint Only” and “Contra Midpoint Only with Post-Only” Order Types and to Make Other Corresponding Changes to the Rulebook

On August 28, 2023, Nasdaq PHLX LLC (“Exchange”) 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 Equity 4, Rules 3301A and 3301B to establish new “Contra Midpoint Only” and “Contra Midpoint Only with Post-Only” order types and to make other corresponding changes to the rulebook. The proposed rule change was published for comment in the Federal Register on September 8, 2023.³

On September 26, 2023, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On November 2, 2023, the Exchange filed Partial Amendment No. 1 to the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 98280 (Sept. 1, 2023), 88 FR 62129. Comments received by the Commission on the proposed rule change are available on the Commission’s website at: <https://www.sec.gov/comments/sr-phlx-2023-40/srphlx202340.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 98528, 88 FR 67846 (Oct. 2, 2023). The Commission designated December 7, 2023, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

proposed rule change.⁶ On December 5, 2023, the Commission published Partial Amendment No. 1 for notice and comment and instituted proceedings under Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1.⁸

On March 4, 2024, the Exchange withdrew the proposed rule change, as modified by Partial Amendment No. 1 (File No. SR-PHLX-2023-40).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,

Assistant Secretary.

⁶ Amendment No. 1 is available at <https://www.sec.gov/comments/sr-phlx-2023-40/srphlx202340-293100-713082.pdf>.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Securities Exchange Act Release No. 99083, 88 FR 85964 (Dec. 11, 2023).

⁹ 17 CFR 200.30-3(a)(12).