

staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

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: February 10, 2022.

Vanessa A. Countryman,

Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 94181; File No. SR-NYSE-2021-74]

Self-Regulatory Organizations; New York Stock Exchange LLC, Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Provisions of Rule 7.35B

February 8, 2022.

On December 14, 2021, New York Stock Exchange LLC ("NYSE") 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 NYSE Rule 7.35B relating to the cancellation of MOC, LOC, and Closing IO Orders before the Closing Auction. The proposed rule change was published for comment in the **Federal Register** on December 29, 2021.³ The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act⁴ 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 day after publication of the notice for the proposed rule change is February 12, 2022. The Commission is extending this 45-day time period.

The Commission finds that it is 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.⁵ Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates March 29, 2022, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change (File No. SR-NYSE-2021-74).

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

J. Matthew DeLesDernier,

Assistant Secretary.

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³ See Securities Exchange Act Release No. 93849 (Dec. 22, 2021), 86 FR 74204 (Dec. 29, 2021) ("Notice").

⁴ 15 U.S.C. 78s(b)(2).

⁵ The Commission notes that the exchange has a different pending proposed rule change that also relates to the NYSE Closing Auction. See Securities Exchange Act Release No. 93809 (Dec. 17, 2022), 86 FR 73060 (Dec. 23, 2021) (File No. SR-NYSE-2021-44) (Order Instituting Proceedings).

⁶ *Id.*

⁷ 17 CFR 200.30-3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94189; File No. SR-MEMX-2021-10]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing of Amendment No. 1 to, and Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove, a Proposed Rule Change To Establish a Retail Midpoint Liquidity Program

February 8, 2022.

On August 18, 2021, MEMX LLC ("MEMX" or "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 establish a Retail Midpoint Liquidity Program ("Program"). The proposed rule change was published for comment in the **Federal Register** on September 8, 2021.³ On October 19, 2021, 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.⁴ On December 7, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change.⁵ On January 27, 2022, the Exchange filed Amendment No. 1 to the proposed rule change, which supersedes the original filing in its entirety, and is described in Items I and II below, which Items have been prepared by the Exchange.⁶ The Commission is

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 92844 (September 1, 2021), 86 FR 50411 (September 8, 2021). Comments on the proposed rule change can be found at: <https://www.sec.gov/comments/sr-memx-2021-10/srmemx202110.htm>.

⁴ See Securities Exchange Act Release No. 93383 (October 19, 2021), 86 FR 58964 (October 25, 2021).

⁵ See Securities Exchange Act Release No. 93727 (December 7, 2021), 86 FR 70874 (December 13, 2021).

⁶ In Amendment No. 1, the Exchange, among other things: (1) Eliminated the ability for Users (defined below) to elect whether to designate an RML Order to be identified as such for purposes of the Retail Liquidity Identifier, (2) proposes to allow Retail Midpoint Orders to trade with both displayed odd lot and non-displayed orders priced better than the Midpoint Price (defined below) at those orders' ranked prices rather than at the less aggressive Midpoint Price, and (3) proposes to allow a Retail Midpoint Order to interact with midpoint peg orders (*i.e.*, non-RML Orders) that have elected to be able to execute in the Retail Midpoint Liquidity Program, though only *after* the Retail Midpoint Order has executed against any better priced liquidity and any RML Orders. *Cf.* Investors

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¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.