

compliance by Dual Members with the rules of PHLX that are substantially similar to the applicable rules of FINRA,<sup>10</sup> as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification (“Common Rules”). In the event that a Dual Member is the subject of an investigation relating to a transaction on PHLX, the plan acknowledges that PHLX may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.<sup>11</sup>

Under the Plan, PHLX would retain full responsibility for surveillance, examination, investigation and enforcement with respect to trading activities or practices involving PHLX’s own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.*, registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any PHLX rules that are not Common Rules.<sup>12</sup>

### III. Discussion

The Commission finds that the proposed Plan is consistent with the factors set forth in Section 17(d) of the Act<sup>13</sup> and Rule 17d–2(c) thereunder<sup>14</sup> in that the proposed Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed Plan should reduce unnecessary regulatory duplication by allocating to FINRA certain examination and enforcement responsibilities for common members that would otherwise be performed by PHLX and FINRA. Accordingly, the proposed Plan promotes efficiency by reducing costs to common members. Furthermore, because PHLX and FINRA will coordinate their regulatory functions in accordance with the Plan, the Plan should promote investor protection.

The Commission notes that, under the Plan, PHLX and FINRA have allocated regulatory responsibility for those PHLX rules, set forth in the Certification, that

are substantially similar to the applicable FINRA rules in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a common member’s activity, conduct, or output in relation to such rule. In addition, under the Plan, FINRA would assume regulatory responsibility for certain provisions of the federal securities laws and the rules and regulations thereunder that are set forth in the Certification. The Common Rules covered by the Plan are specifically listed in the Certification, as may be amended by the Parties from time to time.

According to the Plan, PHLX will review the Certification, at least annually, or more frequently if required by changes in either the rules of PHLX or FINRA, and, if necessary, submit to FINRA an updated list of Common Rules to add PHLX rules not included on the then-current list of Common Rules that are substantially similar to FINRA rules; delete PHLX rules included in the then-current list of Common Rules that are no longer substantially similar to FINRA rules; and confirm that the remaining rules on the list of Common Rules continue to be PHLX rules that are substantially similar to FINRA rules.<sup>15</sup> FINRA will then confirm in writing whether the rules listed in any updated list are Common Rules as defined in the Plan. The Commission believes that these provisions are designed to provide for continuing communication between the Parties to ensure the continued accuracy of the scope of the proposed allocation of regulatory responsibility.

The Commission is hereby declaring effective a Plan that, among other things, allocates regulatory responsibility to FINRA for the oversight and enforcement of all PHLX rules that are substantially similar to the rules of FINRA for common members of PHLX and FINRA. Therefore, modifications to the Certification need not be filed with the Commission as an amendment to the Plan, provided that the Parties are only adding to, deleting from, or confirming changes to PHLX rules in the Certification in conformance with the definition of Common Rules provided in the Plan. However, should the Parties decide to add a PHLX rule to the Certification that is not substantially similar to a FINRA rule; delete a PHLX rule from the Certification that is substantially similar

to a FINRA rule; or leave on the Certification a PHLX rule that is no longer substantially similar to a FINRA rule, then such a change would constitute an amendment to the Plan, which must be filed with the Commission pursuant to Rule 17d–2 under the Act.<sup>16</sup>

### IV. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4–818. The Parties shall notify all members affected by the Plan of their rights and obligations under the Plan.

*It is therefore ordered*, pursuant to Section 17(d) of the Act, that the Plan in File No. 4–818, between FINRA and PHLX, filed pursuant to Rule 17d–2 under the Act, is approved and declared effective.

*It is further ordered* that PHLX is relieved of those responsibilities allocated to FINRA under the Plan in File No. 4–818.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024–00081 Filed 1–5–24; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99265; File No. SR–MEMX–2023–40]

### Self-Regulatory Organizations; MEMX LLC; Notice of Withdrawal of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

January 2, 2024.

On December 26, 2023, MEMX LLC (the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to establish fees for industry members related to certain historical costs of the National Market System plan governing the Consolidated Audit

<sup>10</sup> See paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). See also paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either PHLX rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules.

<sup>11</sup> See paragraph 5 of the proposed 17d–2 Plan.

<sup>12</sup> See paragraph 2 of the proposed 17d–2 Plan.

<sup>13</sup> 15 U.S.C. 78q(d).

<sup>14</sup> 17 CFR 240.17d–2(c).

<sup>15</sup> See paragraph 2 of the Plan.

<sup>16</sup> The Commission also notes that the addition to or deletion from the Certification of any federal securities laws, rules, and regulations for which FINRA would bear responsibility under the Plan for examining, and enforcing compliance by, common members, also would constitute an amendment to the Plan.

<sup>17</sup> 17 CFR 200.30–3(a)(34).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

Trail. The proposed rule change was noticed for comment on December 29, 2023.<sup>3</sup> On January 2, 2024, the Exchange withdrew the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>4</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-00082 Filed 1-5-24; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice: 12300]

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Klimt Landscapes” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Klimt Landscapes” at the Neue Galerie New York, in New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of

Authority No. 523 of December 22, 2021.

**Nicole L. Elkon,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2024-00101 Filed 1-5-24; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice: 12293]

### Notice of Public Meeting in Preparation for International Maritime Organization Tenth Session of the Sub-Committee on Ship Design and Construction (SDC) Meeting

The Department of State will conduct a public meeting at 1 p.m. on Wednesday, January 17, 2024, both in-person at Coast Guard Headquarters in Washington, DC, and via teleconference. The primary purpose of the meeting is to prepare for the 10th session of the International Maritime Organization’s (IMO) Sub-committee on Ship Design and Construction (SDC) to be held at IMO Headquarters in London, United Kingdom from Monday, January 22 to Friday, January 26, 2024.

Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants or up to the seating capacity of the room if attending in person. The meeting location will be the United States Coast Guard Headquarters, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LCDR Bryan Andrews, by email at [bryan.j.andrews@uscg.mil](mailto:bryan.j.andrews@uscg.mil). LCDR Andrews will provide access information for in-person and virtual attendance.

The agenda items to be considered at SDC 10 include:

- Adoption of the agenda
- Decisions of other IMO bodies
- Development of Guidelines for emergency towing arrangements for ships other than tankers (2.20)
- Further development of the IP Code and associated guidance (2.4)
- Review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) (2014 Guidelines) and identification of next steps (1.16)
- Amendments to the 2011 ESP Code (6.22)
- Safety objectives and functional requirements of the Guidelines on

- alternative design and arrangements for SOLAS chapter II-1 (2.5)
- Revision of SOLAS chapters II-1 (part C) and V, and related instruments regarding steering and propulsion requirements, to address both traditional and non-traditional propulsion and steering systems
- Amendments to the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331) concerning the rigging of safety netting on accommodation ladders and gangways
- Unified interpretation of provisions of IMO safety, security, and environment-related conventions (7.1)
- Amendment to regulation 25 of the of the 1988 Load Line Protocol regarding the requirement for setting of guard rails on the deck structure
- Guidelines for use of fibre-reinforced plastics (FRP) within ship structures
- Revision of the Interim explanatory notes for the assessment of passenger ship systems’ capabilities after a fire or flooding casualty (MSC.1/Circ.1369) and related circulars (7.42)
- Biennial status report and provisional agenda for SDC 11
- Any other business
- Report to the Maritime Safety Committee

*Please note:* The IMO may, on short notice, adjust the SDC 10 agenda to accommodate the constraints associated with the meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate should contact the meeting coordinator, LCDR Bryan Andrews, by email at [bryan.j.andrews@uscg.mil](mailto:bryan.j.andrews@uscg.mil), or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, by January 5, 2024. Please note that, due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth’s. This building is accessible by taxi, public transportation, and privately owned conveyance (upon request). Additionally, members of the public needing reasonable accommodation should advise the meeting coordinator not later than January 5, 2024. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

<sup>3</sup> See Securities Exchange Act Release No. 99257 (Dec. 29, 2023).

<sup>4</sup> 17 CFR 200.30-3(a)(12).