Dated: November 1, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–24106 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 516

[Docket No. FDA–2022–N–1128]

Defining Small Number of Animals for Minor Use Determination; Periodic Reassessment; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of December 14, 2022, for the final rule that appeared in the **Federal Register** of September 15, 2022. The direct final rule revises the ''small number of animals'' definition for dogs and cats in our existing regulation for new animal drugs for minor use or minor species. This document confirms the effective date of the direct final rule.

DATES: The effective date of December 14, 2022, for the direct final rule published September 15, 2022 (87 FR 56583) is confirmed.

FOR FURTHER INFORMATION CONTACT: Janah Maresca, Center for Veterinary Medicine (HVF–50), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–796–5079, email: *janah.maresca@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 15, 2022 (87 FR 56583), FDA solicited comments concerning the direct final rule for a 60-day period ending November 14, 2022. FDA stated that the effective date of the direct final rule would be on December 14, 2022, 30 days after the end of the comment period, unless any significant adverse comment was submitted to FDA during the comment period. FDA did not receive any significant adverse comments.

Authority: 21 U.S.C. 360ccc–1, 360ccc–2, 371. Accordingly, the amendments issued thereby are effective.

Dated: December 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–27147 Filed 12–13–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0899]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Delaware River, Philadelphia, PA; Safety Zone from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023, to provide for the safety of life on navigable waterways during two barge-based fireworks displays. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation 33 CFR 165.506 will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 10 for two barge-based fireworks displays from 5:45 p.m. through 6:30 p.m. on December 31, 2022, and from 11:45 p.m. on December 31, 2022, through 12:30 a.m. on January 1, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the display is latitude 39°56′52″ N, longitude 075°8′9.28″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: December 7, 2022.

Jonathan D. Theel,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2022–27042 Filed 12–13–22; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 22–85; FRID 116788]

Telephone Consumer Protection Act of 1991; Petition for Declaratory Ruling of All About the Message, LLC

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling and order.

SUMMARY: In this document, the Federal Communications Commission (Commission) finds that ''ringless voicemail'' to wireless phones requires consumer consent because it is a ''call'' made using an artificial or prerecorded voice and thus is covered by of the 1991 Telephone Consumer Protection Act (TCPA). The Commission denies a request from All About the Message, LLC (AATM) to declare that ringless voicemail is not subject to of the TCPA and the Commission's implementing rules. The Commission also denies AATM's alternative request for a retroactive waiver of the Commission's rules.

DATES: The Declaratory Ruling and Order was effective November 21, 2022.

FOR FURTHER INFORMATION CONTACT: Mika Savir of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at *mika.savir@fcc.gov* or (202) 418–0384.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Declaratory Ruling and Order, FCC 22–85, CG Docket No. 02–278, adopted on November 14, 2022, and released on November 21, 2022. The full text of this document is available online at *https://*

www.fcc.gov/document/fcc-declares-ringless-voicemails-are-subject-robocalling-rules. To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

1. In this document, the Commission finds that ''ringless voicemail'' to wireless phones requires consumer consent because it is a ''call'' made using an artificial or prerecorded voice and thus is covered by the 1991 Telephone Consumer Protection Act (TCPA). The Commission therefore denies a request from All About the Message, LLC (AATM) to declare that ringless voicemail is not subject to the TCPA and the Commission's implementing rules. The Commission also denies AATM's alternative request for a retroactive waiver of the rules.

2. AATM filed its petition for a declaratory ruling on March 31, 2017, asking the Commission to find that delivery of a voicemail message directly to a consumer's cell phone voicemail is not covered by the TCPA and therefore that AATM does not need consumer consent for the ringless voicemail messages. AATM argued that its ringless voicemail message is not a ''call'' and therefore the TCPA should not apply. AATM's position was that the ringless voicemail service, and the process by which the ringless voicemail is deposited on a carrier's platform, is neither a call made to a mobile telephone number nor a call for which a consumer is charged and, therefore, is a service that is not regulated.

3. The Commission found that AATM's ringless voicemail message is a call to the consumer's wireless number and prerecorded voice messages sent via this technology are, therefore, subject to the TCPA. The Commission first found that AATM's ringless voicemail constitutes a ''call'' subject to the TCPA's protections for the same reasons the Commission previously found computer-generated text messages sent to a carrier's text server to be calls for purposes of the TCPA.

4. The Commission concluded previously that text messaging is a call for TCPA purposes when initiated with an autodialer, stating that the TCPA ''encompasses both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls, provided the call is made to a telephone number assigned to such service.'' In 2015, the Commission reiterated that finding and found that internet-to-phone text messages, which are sent to a carrier's server then routed to a consumer's phone, are calls for purposes of the TCPA because callers address these computer-generated text messages to a consumer's wireless telephone number.

5. The Commission concluded that use of the wireless phone number (either as part of an email string or by entering the phone number on a web portal) satisfied the TCPA's requirement that the call be ''to any telephone number assigned to a [wireless] service'' because the wireless telephone number is a necessary and unique identifier for the consumer. The Commission concluded that ''by addressing a message using the consumer's wireless telephone number . . . and sending a text message to the consumer's wireless telephone number, the equipment dials a telephone number and the user of such technology thereby makes a telephone call to a number assigned to a wireless service as contemplated in section 227(b)(1) of the Act.''

6. The Commission stressed that, ''[f]rom the recipient's perspective, internet-to-phone text messaging is functionally equivalent to phone-to-phone text messaging,'' and that, ''the potential harm is identical to consumers; unwanted text messages pose the same cost and annoyance to consumers, regardless of whether they originate from a phone or the internet.'' The Commission reasoned that the mere fact that an extra step was involved in dialing a call—in that case merely adding a domain to the telephone number—was not enough to deprive mobile customers of the TCPA's protections as ''the effect on the recipient is identical.'' To hold otherwise ''would elevate form over substance, thwart Congressional intent that evolving technologies not deprive mobile consumers of the TCPA's protections, and potentially open a floodgate of unwanted text messages to wireless consumers.''

7. AATM's ringless voicemail is identical in function to the internet-to-phone texting the Commission previously found subject to the TCPA. In the case of internet-to phone text messaging, the telephone number assigned to the consumer serves as a necessary and unique identifier. Similarly, the telephone number assigned to a consumer's wireless phone and associated with the voicemail account is a necessary and unique identifier for the consumer in the ringless voicemail context. One expert states that the ''steps involved in sending a [ringless voicemail] message are substantially the same as the technology used and steps involved in sending both mass text messages and text to email addresses text messages'' and that ''[f]rom an engineering and technical perspective, this software delivery model that enables multiple remote customers to deliver [ringless voicemail] voice messages en masse to cellular subscribers is precisely the identical software delivery model that mobile messaging companies use to enable their customers to deliver text messages en masse to cellular subscribers.'' Neither AATM nor any other commenter challenges the description of the technology used to deliver the ringless voicemail messages or the assertion that it is essentially identical to the technology used to deliver internet-to-phone text messages.

8. This finding is consistent with the ordinary meaning of ''call.'' The TCPA does not define ''call'' and courts have turned to dictionary definitions to determine its meaning, *e.g.,* Webster's Third New International Dictionary defines a call as ''to communicate with or try to get into communication with a person by a telephone.'' Ringless voicemails meet this definition by directing the messages by means of a wireless phone number and by depending on the transmission of a voicemail notification alert to the consumer's phone (causing the consumer to retrieve the voicemail message). This finding is also consistent with the legislative history and purpose of the TCPA.

9. The Commission also rejected AATM's argument that ringless voicemail is non-invasive. Consumers cannot block these messages and they experience an intrusion on their time and their privacy by being forced to spend time reviewing unwanted messages in order to delete them. The consumer's phone may signal that there is a voicemail message and may ring once before the message is delivered, which is another means of intrusion. Consumers must also contend with their voicemail box filling with unwanted messages, which may prevent other callers from leaving important wanted messages. By contending that it is not placing calls, AATM would deny consumers the protection of the TCPA's consent requirement. The Commission found that, as a matter of both statutory interpretation and policy, such ringless voicemail calls are subject to the TCPA.

10. The TCPA contains ''unique protections'' for wireless consumers. The Commission was unconvinced that

it should undermine the protections against robocalls that the statute provides to consumers by granting a waiver to AATM. AATM has not demonstrated any special circumstances that warrant a waiver or that a waiver of the Commission's rules is in the public interest. AATM is not precluded from using its ringless voicemail service, but it must do so in accordance with the TCPA.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–26673 Filed 12–13–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAC 2023–01; FAR Case 2020–014; Item III; Docket No. FAR–2020–0014, Sequence No. 1]

RIN 9000–AO14

Federal Acquisition Regulation: United States-Mexico-Canada Agreement; Correction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule; correction.

SUMMARY: DoD, GSA, and NASA published a final rule amending the Federal Acquisition Regulation (FAR) to implement the United States-Mexico-Canada Agreement Implementation Act in the **Federal Register** of December 1, 2022. This document corrects an erroneous instruction in that rule.

DATES: Effective December 30, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 or by email at *michaelo.jackson@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAC 2023–01, FAR Case 2020–014.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA are correcting an amendatory instruction under part 25, section 25.1101.

In FR Doc. 2022–25960 appearing on pages 73890–73894 in the issue of December 1, 2022, make the following correction:

25.1101 [Corrected]

■ 1. On page 73892, starting in the first column, Instruction 12a, paragraph a. for 25.1101, is corrected to read: ''a. Removing ''$25,000'' from paragraphs (a)(1)(i) introductory text and (b)(1)(i)(A) and adding ''$50,000'' in its place, wherever it appears;''.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

[FR Doc. 2022–27005 Filed 12–13–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220523–0019; RTID 0648–XC573]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the General Category December Fishery for 2022

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the General category fishery for large medium and giant (*i.e.,* measuring 73 inches (185 centimeters) curved fork length or greater) Atlantic bluefin tuna (BFT) for the December subquota time period, and thus for the remainder of 2022. This action applies to Atlantic Tunas General category (commercial) permitted vessels and highly migratory species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. Fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag-and-release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs. On January 1, 2023, the fishery will reopen automatically.

DATES: Effective 11:30 p.m., local time, December 10, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Erianna Hammond, *erianna.hammond@noaa.gov,* 301–427–8503, Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, or Nicholas Velseboer, *nicholas.velseboer@noaa.gov,* 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure action with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on or after the effective date and time of a closure notice for that category until the opening of the relevant subsequent quota period or until such date as specified.

The current baseline quota for the General category is 587.9 metric tons (mt). The General category baseline quota is suballocated to different time periods. Relevant to this action, the baseline subquota for the December time period is 30.6 mt. To date for 2022, NMFS has published several actions that adjusted the General category December 2022 time period quota (86 FR 72857, December 23, 2021; 87 FR 33049, June 1, 2022). Most recently, NMFS increased the December subquota to 50.1 mt through an inseason quota transfer (87 FR 73504, November 30, 2022).

Closure of the December 2022 General Category Fishery

To date, reported landings for the General category December subquota time period total approximately 38.5 mt. Based on these landings, NMFS has determined that the adjusted 2022 subquota of 50.1 mt is projected to be reached shortly. Therefore, retaining,