

responding to an emergency period, supplemental food recall, and other supply chain disruptions;

\* \* \* \* \*

(vii) A communications plan to keep FNS, State and local agency staff, authorized WIC vendors, WIC participants, and the public informed during an emergency period, supplemental food recall, and other supply chain disruptions;

\* \* \* \* \*

- 4. In § 246.16a:
  - a. Add paragraphs (c)(5)(i) through (iii); and
  - b. Revise paragraph (n)(2).

The addition and revision read as follows:

**§ 246.16a Infant formula and authorized foods cost containment.**

\* \* \* \* \*

(c) \* \* \*

(5) \* \* \*

(i) *Calculating the standardized number of units of infant formula.* The State agency must specify a standardized number of units (e.g., cans) of infant formula by physical form (e.g., concentrated liquid, powdered, and ready-to-feed) to be bid upon. The standardized number of units must contain the equivalent of the total number of ounces by physical form needed to give the maximum allowance to the average monthly number of infants using each form. The number of infants does not include infant participants who are exclusively breastfed and those who are issued exempt infant formula. The average monthly number of infants using each physical form must be based on at least 6 months of the most recent participation and issuance data. In order to calculate the standardized number of units of infant formula by form to be bid upon, the average monthly number of infants using each physical form is multiplied by the maximum monthly allowable number of ounces for each form (as allowed under table 1 to § 246.10(e)(9)), and divided by the corresponding unit size (i.e., number of ounces per unit being bid). In order to compare bids, total cost is calculated by multiplying this standardized number of units by the net price for each physical form. Alternative calculations that arrive at a mathematically equivalent result are acceptable.

(ii) *Determining the lowest total monthly net price or highest rebate.* To determine the lowest total monthly net price a State agency must multiply the net price per unit by the established standardized amount of infant formula to be bid upon as calculated in

paragraph (c)(4)(i) of this section. If the bid evaluation is based on highest rebate offered, the State agency must multiply the rebate offered by the established amount of infant formula to be bid upon as calculated in paragraph (c)(4)(i) of this section.

(iii) *Highest rebate limitation.* Before issuing the bid solicitation, a State agency that elects to evaluate bids by highest rebate must demonstrate to FNS's satisfaction that the weighted average retail prices for different brands of infant formula in the State vary by 5 percent or less. The weighted average retail price must take into account the prices charged for each type and physical form of infant formula by authorized vendors or, if a State agency elects, it may include stores that do not participate in the WIC program in the State. The State agency must also base calculations on the proportion of each type and physical form of infant formula the State agency issues based on the data provided to bidders pursuant to paragraph (c)(5) of this section.

\* \* \* \* \*

(n) \* \* \*

(2) Allow the issuance of non-contract brand infant formulas without medical documentation, with the exception of participants receiving Food Package III as defined in § 246.10(e)(3); and

\* \* \* \* \*

- 5. In § 246.29:

- a. Revise the last sentence of the introductory text of paragraph (a); and
- b. Revise the introductory text of paragraph (c).

The revisions read as follows:

**§ 246.29 Waivers of program requirements.**

(a) \* \* \* To be considered, a waiver or modification issued under this section must meet the following requirements:

\* \* \* \* \*

(c) *State agency waiver requests.* State agencies shall submit requests for a modification or waiver for the Secretary's approval. Requests shall include but not necessarily be limited to:

\* \* \* \* \*

**Patrick A. Penn,**

*Deputy Under Secretary, Food, Nutrition and Consumer Services.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2025-1098]

**Safety Zone; San Francisco New Year's Eve Fireworks; San Francisco, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone in the navigable waters of the San Francisco Bay near the San Francisco Ferry building for the San Francisco New Year's Eve Fireworks Display. The safety zone will be enforced from December 31, 2025, through January 1, 2026. This action is necessary to protect personnel, vessels, and the marine environment from the dangers associated with pyrotechnics. During the enforcement period, unauthorized persons or vessels are prohibited from entering, transiting through, or remaining in the safety zone, unless authorized by the Patrol Commander or other Federal, State, or local law enforcement agencies.

**DATES:** The regulation in 33 CFR 165.1191 will be enforced for the location described in Table 1 to § 165.1191, Item number 24, from noon on December 31, 2025, through 12:45 a.m. on January 1, 2026.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email MST2 Erik Nadal, U.S. Coast Guard Sector San Francisco, Waterways Management Division; telephone (415) 399-7440, email *SFWaterways@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone regulations in 33 CFR 165.1191 for the event and location listed in Table 1 to § 165.1191, Item number 24, for the San Francisco New Year's Eve Fireworks Display from noon on December 31, 2025, through 12:45 a.m. on January 1, 2026. The Coast Guard will enforce a 100-foot safety zone around the fireworks barge during the loading, standby, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. On December 31, 2025, the fireworks barge will be loaded at Pier 68, Wharf 4 in San Francisco, CA, from approximately noon until approximately 6 p.m. The fireworks

barge will remain on standby at the load location until the transit to the display location. From 10:45 p.m. to 11:15 p.m. on December 31, 2025, the loaded fireworks barge will transit from Pier 68, Wharf 4 to the launch site near the San Francisco Ferry Building in approximate position 37°47'45" N, 122°23'15" W (NAD 83), where the barge will remain until the conclusion of the fireworks display.

At approximately 11:45 p.m. on December 31, 2025, 15 minutes prior to the fireworks display, the safety zone will expand to encompass all navigable waters, from surface to bottom, within a circle formed by connecting all points 1,000 feet out from the fireworks barge. The fireworks barge will be near the San Francisco Ferry Building in San Francisco, CA in approximate position 37°47'45" N, 122°23'15" W (NAD 83) as set forth in 33 CFR 165.1191, Table 1, Item number 24. The safety zone will be enforced until 12:45 a.m. on January 1, 2026, or as announced via Broadcast Notice to Mariners.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM or other Official Patrol defined as a federal, state, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. Additionally, each person granted permission to enter the zone who receives notice of a lawful order or direction issued by the PATCOM or Official Patrol must obey the order or direction. The PATCOM or Official Patrol, may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

**Jordan M. Baldueza,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 412

[CMS-1829-CN]

RIN 0938-AV48

### Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2026 and Updates to the IRF Quality Reporting Program; Correction

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects typographical and technical errors in the final rule that appeared in the August 5, 2025, **Federal Register** entitled “Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2026 and Updates to the IRF Quality Reporting Program” (hereinafter referred to as the “FY 2026 IRF final rule”). The effective date was October 1, 2025.

#### DATES:

*Effective date:* This correction is effective December 17, 2025.

*Applicability date:* This correction is applicable to October 1, 2025.

#### FOR FURTHER INFORMATION CONTACT:

Kimberly Schwartz, (410) 786-2571; Patricia Taft (410) 786-4561.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In FR Doc. 2025-14780 of August 5, 2025, the FY 2026 IRF final rule (90 FR 37678), there were typographical and technical errors that are identified and corrected in this correcting document.

##### II. Summary of Errors

###### A. Summary of Errors in the Preamble

On pages 37678, 37681, 37698, 37699, 37718, 37719, 37720, 37721, and 37724, due to a technical error in the calculation of the final FY 2026 IRF PPS payment rates, we inadvertently excluded a provider from the FY 2026 payment rate analysis and impacts, which required recalculations of the payment rates and impact analysis.

On page 37681, we included an incorrect section reference.

###### B. Summary of Errors and Corrections Posted on the CMS Website for the IRF Wage Index

After the FY 2026 IRF PPS final rule was published, we identified CMS

Certification Numbers (CCNs) with more than 6 characters in the provider-specific file indicating there are providers with multiple records that have different provider characteristics. In the FY 2026 IRF PPS final rule, we inadvertently only included records with 6 character CCNs in our rate setting analysis resulting in one IRF provider being excluded from the rate setting data. Therefore, in this document we include that provider record with more than 6 characters with the most recent effective date. The inclusion of the 236 claims from this provider resulted in a change to the outlier threshold (section VI. of the FY 2026 IRF PPS final rule) and changes to the estimated payment impacts (section VII. of the FY 2026 IRF PPS final rule).

## III. Waiver of Proposed Rulemaking and Delay in Effective Date

Section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 1871(e)(1)(B)(i) of the Act mandates a 30-day delay in effective date after issuance or publication of a rule. Section 1871(b)(2)(C) of the Act provides an exception from the notice and 60-day comment period and delay in effective date requirements of the Act, under the good cause standard set forth in 5 U.S.C. 553(b)(B). Section 1871(e)(1)(B)(ii) of the Act provides an exception from the delay in effective date requirements of the Act as well. Section 553(b)(B) authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 1871(e)(1)(B)(ii) of the Act allows the agency to avoid the 30-day delay in effective date where the waiver is necessary to comply with statutory requirements or such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it. In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements.

This document merely corrects typographical and technical errors in the FY 2026 IRF final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed, subject to notice and