

eligible individual's Federal benefit rate and one-third of that rate is counted as income not subject to any income exclusions. The one in the medical institution cannot receive more than the rate described in § 416.414(b)(3)(i).

(c) *Both members of a couple are subject to the presumed value rule.* If the presumed value rule applies to both of you, we value any food, clothing, or shelter you and your spouse receive at one-third of the Federal benefit rate for a couple plus the amount of the general income exclusion (§ 416.1124(c)(12)), unless you can show that their value is less as described in § 416.1140(a)(2).

(d) *One member of a couple is subject to the presumed value rule and the other is in a medical institution.* If one of you is subject to the presumed value rule and the other is temporarily absent from the household as provided in § 416.1149(c)(1) (in a medical institution that receives Medicaid payments for his or her care (§ 416.211(b))), we compute your benefits as if you were separately eligible individuals (see § 416.414(b)(3)). This begins with the first full calendar month that one of you is in the medical institution (§ 416.211(b)). We value any food, clothing, or shelter received by the one outside of the medical institution at one-third of an eligible individual's Federal benefit rate, plus the amount of the general income exclusion (§ 416.1124(c)(12)), unless you can show that their value is less as described in § 416.1140(a)(2). The one in the medical institution cannot receive more than the rate described in § 416.414(b)(3)(i).

17. The authority citation for subpart R continues to read as follows:

**Authority:** Secs. 1102, 1614 (b) (c), and (d), and 1631 (d)(1) and (e) of the Social Security Act; 42 U.S.C. 1302, 1382c (b), (c), and (d), and 1383 (d)(1) and (e).

18. In § 416.1801(c), the definition of "eligible spouse" is revised to read as follows:

**§ 416.1801 Introduction.**

\* \* \* \* \*

(c) \* \* \*

*Eligible spouse* means a person—

- (1) Who is eligible for SSI,
- (2) Whom we consider the spouse of another person who is eligible for SSI, and
- (3) Who was living in the same household with that person on—
  - (i) The date of filing an application for benefits (for the month of an application);
  - (ii) The date a request for reinstatement of eligibility is filed (for the month of such request); or
  - (iii) The first day of the month, for all other months. An individual is

considered to be living with an eligible spouse during temporary absences as defined in § 416.1149 and while receiving continued benefits under section 1611(e)(1) (E) or (G) of the Act.

\* \* \* \* \*

19. In § 416.1802, paragraph (b) is revised to read as follows:

**§ 416.1802 Effects of marriage on eligibility and amount of benefits.**

\* \* \* \* \*

(b) *If you have an eligible spouse—*

(1) *Counting income.* If you apply for or receive SSI benefits and have an eligible spouse as defined in § 416.1801(c), we will count your combined income and calculated the benefit amount for you as a couple. Section 416.412 gives a detailed statement of the amount of benefits and subpart K of this part explains how we count income for an eligible couple.

(2) *Counting resources.* If you have an eligible spouse as defined in § 416.1801(c), we will count the value of your combined resources (money and property), minus certain exclusions, and use the couple's resource limit when we determine your eligibility. Section 416.1205(b) gives a detailed statement of the resource limit for an eligible couple.

\* \* \* \* \*

20. Section 416.1806 is revised to read as follows:

**§ 416.1806 Whether you are married and who is your spouse.**

(a) We will consider someone to be your spouse (and therefore consider you to be married) for SSI purposes if—

- (1) You are legally married under the laws of the State where your and his or her permanent home is (or was when you lived together);
- (2) We have decided that either of you is entitled to husband's or wife's Social Security insurance benefits as the spouse of the other (this decision will not affect your SSI benefits for any month before it is made); or
- (3) You and an unrelated person of the opposite sex are living together in the same household at or after the time you apply for SSI benefits, and you both lead people to believe that you are husband and wife.
  - (b) if more than one person would qualify as your husband or wife under paragraph (a) of this section, we will consider the person you are presently living with to be your spouse for SSI purposes.

**§ 416.1811 [Removed]**

- 21. Section 416.1811 is removed.
- 22. In § 416.1830, paragraph (a) is revised to read as follows:

**§ 416.1830 When we stop considering you and your spouse an eligible couple.**

\* \* \* \* \*

(a) The calendar month after the month you stopped living with your eligible spouse, or

\* \* \* \* \*

23. In § 416.1832, paragraphs (c) and (d) are revised to read as follows:

**§ 416.1832 When we consider your marriage ended.**

\* \* \* \* \*

(c) We decide that either of you is not a spouse of the other for purposes of husband's or wife's social security insurance benefits, if we considered you married only because of § 416.1806(a)(2); or

(d) You and your spouse stop living together, if we considered you married only because of § 416.1806(a)(3).

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**Food and Drug Administration**

**21 CFR Part 450**

[Docket No. 94N-0302]

**Antibiotic Drugs; Bleomycin Sulfate; Withdrawal of Regulation**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; withdrawal of regulation.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing a regulation that established standards for an antibiotic drug, nonsterile bleomycin sulfate bulk drug substance. This action is taken to allow interested persons an opportunity to comment on the standards for nonsterile bleomycin sulfate bulk drug substance. In a future issue of the **Federal Register**, the agency will issue a proposed rule setting forth standards for bulk nonsterile bleomycin sulfate.

**EFFECTIVE DATE:** March 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Tamar S. Nordenberg, Center for Drug Evaluation and Research (HFD-366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-2041.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 4, 1994 (59 FR 50484), FDA published a new antibiotic regulation setting forth standards for a nonsterile bleomycin sulfate bulk drug substance (21 CFR 450.10). This was published as a final rule to become effective on November 3, 1994. This new regulation differed from

the monograph standards for sterile bleomycin sulfate bulk drug, set forth in 21 CFR 450.10a, in two respects: The new regulation did not require sterility at the bulk stage, and the new regulation did not require testing for pyrogens at the bulk stage.

Bristol-Myers Squibb Co., the sponsor of the innovator product, filed a petition for stay pursuant to 21 CFR 10.35, objecting to FDA's decision to promulgate the new regulation without notice and a prior opportunity for public comment. On November 9, 1994, FDA agreed to stay the effective date of the monograph for nonsterile bleomycin sulfate bulk drug substance to reconsider the manner in which the agency promulgated the new monograph. A copy of FDA's letter notifying Bristol-Myers Squibb Co. of the stay is on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. In the **Federal Register** of March 1, 1995 (60 FR 11026), FDA published a stay of the monograph for nonsterile bleomycin sulfate bulk drug substance.

Because of the issues that may arise based on the coexistence of alternative standards for nonsterile bleomycin sulfate bulk drug and sterile bleomycin sulfate bulk drug, and because several manufacturers have demonstrated an interest in manufacturing bulk bleomycin sulfate and finished dosage forms for the drug, FDA finds that it is appropriate to provide an opportunity for public comment on the standards. Therefore, FDA is withdrawing the regulation for nonsterile bleomycin sulfate bulk drug substance, and will propose a new regulation setting forth standards for nonsterile bleomycin sulfate bulk drug substance in a future issue of the **Federal Register**.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 450 is amended as follows:

#### List of Subjects in 21 CFR Part 450

Antibiotics.

#### PART 450—ANTITUMOR ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR part 450 continues to read as follows:

**Authority:** Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

#### § 450.10 [Removed]

2. Section 450.10 *Bleomycin sulfate* is removed.

Dated: March 18, 1995.

**Murray M. Lumpkin,**

*Deputy Director, Center for Drug Evaluation and Research.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

#### 24 CFR Subtitle A, Appendices A and B, and Parts 91, 248, 570, 572, 582, 583, 882, 889 and 890

[Docket No. R-94-1731; FR-3611-F-08]

RIN 2501-AB72

#### Consolidated Plan for Community Planning and Development Programs: Conforming Changes to Program Regulations

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This rule amends the Department's existing regulations for programs that refer to the Comprehensive Housing Affordability Strategy (CHAS) to replace references to the CHAS with references to the document that has replaced it—the Consolidated Plan. A final rule was published on January 5, 1995, that revised 24 CFR part 91 to replace the CHAS with the consolidated plan as the document that embodies a jurisdiction's determination of housing needs and planned use of HUD funds to meet those needs.

**EFFECTIVE DATE:** February 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Smith, Director, Policy Coordination, Office of Community Planning and Development, 451 Seventh Street SW., Washington, DC 20410-7000, telephone (202) 708-1283 (voice) or (202) 708-2565 (TDD). (These are not toll-free telephone numbers.) Copies of this rule will be made available on tape or large print for those with impaired vision that request them. They may be obtained at the above address.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

A final rule providing for a consolidated plan and a single performance report for all HUD community planning and development formula grant programs was published on January 5, 1995, effective February 6, 1995, which affects determinations of

consistency of applications for funding for other programs, as described in 24 CFR 91.2(b). The programs affected, for which conforming changes are necessary to published program requirements, are HOPE for Public and Indian Housing Homeownership Program ("HOPE 1") (program guidelines codified as Appendix A to Subtitle A of 24 CFR), HOPE for Homeownership of Multifamily Units Program ("HOPE 2") (program guidelines codified as Appendix B to Subtitle A of 24 CFR), Lead-Based Paint Hazard Reduction Program (Part 35), Prepayment of Low Income Housing Mortgages (Part 248), HOPE for Homeownership of Single Family Homes Program (Part 572), Shelter Plus Care Program (Part 582), Supportive Housing Program (Part 583), Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals (Part 882, Subpart H), Supportive Housing for the Elderly Program (Part 889), and Supportive Housing for Persons With Disabilities Program (Part 890). The regulations (or guidelines, in the case of HOPE 1 and HOPE 2) for all of these programs are amended by this rule, except for the Lead-Based Paint Hazard Reduction Program, for which a separate rulemaking is underway.

In addition, the Community Development Block Grant (CDBG) program regulations are being amended in this rule to make the provision in the CDBG rule concerning the deadline for submitting the consolidated plan consistent with the provision in the consolidated plan rule. (Section 91.15 provides that a consolidated plan must be submitted no later than August 16 of the federal fiscal year for which funding is sought, whereas § 570.304(c)(1) states that the first working day of September is the deadline.)

Another technical correction being made in this rule is to remove from 24 CFR part 91 a provision that conflicts with a State CDBG program provision. (Section 570.483(d) prescribes the manner in which States meet the requirements for funding an activity under the "urgent need" national objective. Section 91.320(g)(1)(i) of the consolidated plan rule prescribes another method.) The Department wishes to preserve the method specified in the CDBG State program regulation, so this rule removes the provision from the consolidated plan rule.

##### II. Justification for Final Rule

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR