Recently, FDA evaluated the usefulness of Type I DMF's. The agency determined that its inspectors were not using Type I DMF's to plan foreign inspections because the Type I DMF was not easily accessible or information contained in the Type I DMF was outdated. Instead, FDA now requests foreign firms to submit a preinspection document package that includes both current facility and product-specific information. FDA inspectors use the preinspection package to plan their inspection. Although submission of the package is voluntary, foreign firms comply with the agency's request because the information helps inspectors to conduct inspections quickly and efficiently. The agency concluded that Type I DMF's could be eliminated without adversely affecting inspections of foreign manufacturing facilities.

FDA has also determined that its review divisions do not rely on Type I DMF's. Although Type I DMF's are often incorporated by reference into IND's, NDA's, and abbreviated applications, the information that the agency requested to be submitted under Type I DMF's is not required for chemistry, manufacturing, and controls review. Under 21 CFR 314.50(d)(1)(i) and (d)(1)(ii), a drug product applicant is required to furnish the name and location of facilities used in the manufacture of the drug substance or product. Unlike a Type I DMF submission, this information, when submitted as part of an application, is current and product-specific. Therefore, review divisions rely on the applications themselves for this information.

Accordingly, the agency proposes to amend § 314.420 to eliminate Type I DMF's. The agency would no longer accept new Type I DMF's, or correspondence updating existing Type I DMF's. The information in Type I DMF's currently on file could no longer be incorporated by reference into new applications, amendments, or supplements, and the Type I DMF's would be transferred to the Federal Records Center, Suitland, MD. These proposed changes would supersede all information regarding Type I DMF's detailed in the ''Guideline for Drug Master Files.''

The agency acknowledges that some firms may have submitted information under a Type I DMF that should have been filed under Types II through V DMF's. Therefore, FDA is proposing to make available a list of all CDER Type I DMF's for public review in the Dockets Management Branch under the docket number found in brackets in the heading of this document. If a DMF holder believes that its Type I DMF should be categorized as another type of DMF, the DMF holder should submit a request to the Drug Master File Staff, Food and Drug Administration, rm. 2–14, 12420 Parklawn Dr., Rockville, MD 20857, within 30 days of publication of any final rule based on this proposal. This request should: (1) Be submitted by the responsible official or designated U.S. agent; (2) briefly identify the subject of the DMF; and (3) propose the DMF Type (i.e., Type II, III, IV, or V) to which information in the Type I DMF should be transferred. If the information should be incorporated into an existing Type II through Type V DMF, the file number of that DMF should be provided. FDA would consider transferring an entire Type I DMF to another type only if the Type I DMF contains substantive information other than information concerning manufacturing site, facilities, operating procedures, and personnel.

The agency also recognizes that some Type I DMF's currently on file contain information concerning sterilization process validation and other information relevant to the review, evaluation, and assurance of the sterility of sterile products. For sterile items that are not the subject of an IND, NDA, ANDA, or AADA, and that are sold to a second party (e.g., rubber closures that are sterilized by the manufacturer and sold to a second party), CDER would consider transferring product-specific and general information concerning sterilization process validation to the DMF file or DMF type (i.e., II through IV) under which manufacturing information for the specific item is filed. Contract manufacturers of sterile finished drug products, contract sterilization firms (e.g., ethylene oxide, gamma radiation, and electron beam radiation), and manufacturers of sterile finished drug products that are the subject of a drug product application could request a transfer from Type I to Type V DMF of nonproduct-specific information and procedures that are submitted to support a claim of sterility. Where applicable, the content and format of such transferred information should follow FDA's guideline entitled ''Guideline for Submitting Documentation for Sterilization Process Validation in Applications for Human and Veterinary Drug Products.'' The mechanism for requesting a transfer would be the same as the mechanism for recategorizing Type I DMF's, as described in the preceding paragraph.

II. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the proposed regulation, if finalized, would lighten paperwork and recordkeeping burdens, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

IV. Effective Date

FDA proposes that any final rule based on this proposal become effective 60 days after its date of publication in the **Federal Register**.

V. Request for Comments

Interested persons may, on or before October 2, 1995, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.