DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 207

[Docket No. FDA–2005–N–0464]

RIN 0910–AA49

Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs; Corrections

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; correcting amendments.

SUMMARY: On August 31, 2016, the Food and Drug Administration (FDA or Agency) published an amended final rule that listed inaccurate cross-references to FDA's drug establishment registration and drug listing regulations. This document corrects the inaccurate cross-references used in the final regulations.

DATES: This rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Florine Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6248, Silver Spring, MD 20993–0002, 301–796–3521.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 31, 2016 (81 FR 60170), FDA published the final rule entitled ''Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs.'' That final rule amended current regulations in part 207 (21 CFR part 207) concerning who must register establishments and list human drugs, human drugs that are also biological products, and animal drugs.

II. Description of the Technical Amendments

FDA is amending its regulations in part 207 to correct inaccurate cross-references used in the August 31, 2016, final rule. This document amends the Agency's regulations in part 207 through minor technical amendments to update references in §§ 207.1, 207.3, 207.13, 207.49, and 207.53 (21 CFR 207.1, 207.3, 207.13, 207.49, and 207.53) by replacing all cross-references to ''§ 207.1(b)'' with ''§ 207.1''.

III. Notice and Public Comment

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (APA) (5 U.S.C. 553). Section 553 of the APA exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking) (5 U.S.C. 553(b)(3)(A)). Rules are also exempt when an Agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(3)(B).)

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make only technical changes to correct inaccurate cross-references. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects in 21 CFR Part 207

Drugs, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 207 is amended as follows:

PART 207—REQUIREMENTS FOR FOREIGN AND DOMESTIC ESTABLISHMENT REGISTRATION AND LISTING FOR HUMAN DRUGS, INCLUDING DRUGS THAT ARE REGULATED UNDER A BIOLOGICS LICENSE APPLICATION, AND ANIMAL DRUGS, AND THE NATIONAL DRUG CODE

■ 1. The authority citation for part 207 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 360b, 371, 374, 381, 393; 42 U.S.C. 262, 264, 271.

§ 207.1 [Amended]

■ 2. Amend § 207.1 in the definition of *Bulk drug substance* by removing ''§ 207.1(b)'' and adding in its place ''this section''.

§ 207.3 [Amended]

■ 3. Amend § 207.3 by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.13 [Amended]

■ 4. Amend § 207.13(l)(1) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.49 [Amended]

■ 5. Amend § 207.49(a)(15)(i), (a)(15)(ii)(A) and (B), and (a)(15)(iii)(A) and (B) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.53 [Amended]

■ 6. Amend § 207.53(d)(1), (d)(2)(i) and (ii), and (d)(3)(i) and (ii) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

Dated: March 25, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–06677 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, 528, and 558

[Docket No. FDA–2020–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, Department of Health and Human Services.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during October, November, and December 2020. FDA is informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to improve the accuracy and readability of the regulations.

DATES: This rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approvals

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during October, November, and December 2020, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2020

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
October 16, 2020	141–536	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	ELURA (capromorelin oral solution).	Dogs and cats	Original approval for management of weight loss in cats with chronic kidney disease.	FOI Summary.
October 29, 2020	200–692	Virbac AH, Inc., P.O. Box 162059, Fort Worth, TX 76161.	CYCLAVANCE (cyclosporine oral solution) USP MODIFIED.	Dogs	Original approval as a generic copy of NADA 141–218.	FOI Summary.
November 16, 2020	141–541	QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia.	STELFONTA (tigilanol tiglate injection).	Dogs	Original approval for the treatment of non-metastatic cutaneous mast cell tumors and non-metastatic subcutaneous mast cell tumors located at or distal to the elbow or the hock in dogs.	FOI Summary.
November 25, 2020	200–557	Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211.	TZED (tiletamine and zolazepam for injection).	Dogs	Supplemental approval for an intravenous route.	FOI Summary.
December 14, 2020	141–542	Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060.	pPL657 rDNA construct in domestic pigs.	Swine	Original approval for an intentional genomic alteration in domestic pigs.	FOI Summary.
December 16, 2020	200–696	Bimeda Animal Health Ltd., 1B The Herbert Building, The Park, Carrickmines, Dublin 18, Ireland.	SELASPOT (selamectin) Topical Solution.	Dogs and cats	Original approval as a generic copy of NADA 141–152.	FOI Summary.

As provided in the regulatory text, the animal drug regulations are amended to reflect these approval actions. As they are now the sponsor of an approved application, QBiotics Group Ltd. and Revivicor, Inc. will be added to the list of sponsors of approved applications in 21 CFR 510.600(c).

II. Technical Amendments

FDA is making the following amendments to improve the accuracy, consistency, and readability of the animal drug regulations:

- 21 CFR 558.128 is amended to reflect the sponsors of approved conditions of use for chlortetracycline in beef cattle.
- 21 CFR 558.342 is amended to reformat special considerations for labeling and manufacture of melengestrol medicated feeds.
- Typographical errors are being corrected wherever they have been found.

III. Legal Authority

This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities. This rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b(i)), which requires **Federal Register** publication of the conditions of use of an approved or conditionally approved new animal drug and the name and address of the drug's sponsor in a ''notice, which upon publication shall be effective as a regulation.'' A notice published pursuant to section 512(i) is not subject to the notice-and-comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* See section 512(i) of the FD&C Act; 21 CFR 10.40(e)(3); S. Rep. 90–1308, at 5 (1968).

This document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 528

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 528, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600:

■ a. In the table in paragraph (c)(1), add entries for ''QBiotics Group Ltd.'' and ''Revivicor, Inc.'' in alphabetical order; and

■ b. In the table in paragraph (c)(2), add entries for ''086132'' and ''086134'' in numerical order.

The additions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia	086132
* * * * * * *	
Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060	086134
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
086132	QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia
086134	Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. In § 520.292, revise paragraphs (a) and (c) to read as follows:

§ 520.292 Capromorelin.

(a) *Specifications.* Each milliliter of solution contains:

(1) 30 milligrams (mg) capromorelin; or

(2) 20 mg capromorelin.

* * * * *

(c) *Conditions of use*—(1) *Dogs.* Use product described in paragraph (a)(1) of this section as follows:

(i) *Amount.* Administer 3 mg/kg once daily by mouth.

(ii) *Indications for use.* For appetite stimulation in dogs.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cats.* Use product described in paragraph (a)(2) of this section as follows:

(i) *Amount.* Administer 2 mg/kg once daily by mouth.

(ii) *Indications for use.* For management of weight loss in cats with chronic kidney disease.

(iii) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 5. In § 520.522, add paragraph (b)(3) to read as follows:

§ 520.522 Cyclosporine.

* * * * *

(b) * * *

(3) No. 051311 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(1) of this section.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 6. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 7. Add § 522.2450 to read as follows:

§ 522.2450 Tigilanol.

(a) *Specifications.* Each milliliter (mL) of solution contains 1 milligram tigilanol tiglate.

(b) *Sponsor.* See No. 086132 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* Administer as an intratumoral injection at a dose of 0.5 mL per cubic centimeter of tumor volume.

(2) *Indications for use.* For the treatment of non-metastatic cutaneous mast cell tumors and non-metastatic subcutaneous mast cell tumors located at or distal to the elbow or the hock in dogs.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 8. In § 522.2470, revise paragraphs (b)(1) and (2) to read as follows:

§ 522.2470 Tiletamine and zolazepam for injection.

* * * * *

(b) * * *

(1) Nos. 026637 and 054771 for use as in paragraph (c) of this section.

(2) No. 051311 for use as in paragraphs (c)(1)(i)(A), (c)(1)(ii)(A), (c)(1)(iii), and (c)(2) of this section.

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 9. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 10. In § 524.2098:

■ a. Revise paragraphs (a) and (b);

■ b. Remove paragraph (c) and redesignate paragraph (d) as paragraph (c); and

■ c. Revise newly redesignated paragraph (c)(1).

The revisions read as follows:

§ 524.2098 Selamectin.

(a) *Specifications.* Each milliliter contains 60 or 120 milligrams (mg) of selamectin.

(b) *Sponsors.* See Nos. 054771, 055529, 061133, and 061651 in § 510.600(c) of this chapter.

(c) * * *

(1) *Amount.* Administer topically 2.7 mg of selamectin per pound (6 mg per kilogram) of body weight.

* * * * *

PART 528—NEW ANIMAL DRUGS IN GENETICALLY ENGINEERED ANIMALS

■ 11. The authority citation for part 528 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 12 Add § 528.2001 to read as follows:

§ 528.2001 *pPL657* recombinant deoxyribonucleic acid construct.

(a) *Specifications. pPL657* in the *glycoprotein galactosyltransferase alpha-1,3* (*GGTA1*) gene in domestic pigs.

(b) *Sponsor.* See No. 086134 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Intended use. pPL657* rDNA construct in the *glycoprotein galactosyltransferase alpha-1,3* gene (*GGTA1*) in the lineage of domestic pigs (*Sus scrofa domesticus*) hemizygous and homozygous for the intentional genomic alteration resulting in undetectable endogenous galactose alpha-1,3-galactose sugar residues on biological derivatives of domestic pigs homozygous for the intentional genomic alteration lineage that are intended to be used as sources of food or human therapeutics including excipients, devices, drugs, or biological products.

(2) *Limitations.* Pigs of this lineage (possessing the intentional genomic alteration (*pPL657* rDNA construct)) should not be treated with aminoglycoside drugs and must only be housed in physically contained facilities specified in the approved application.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 13. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc-1, 371.

■ 14. In § 558.128, revise paragraph (e)(4)(xv) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(4) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(xv) 350 mg/head/day.		1. Beef cattle: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline.	Withdrawal periods: To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: Withdraw 48 hours prior to slaughter. To sponsor No. 069254 under NADA 138–935 and ANADA 200–510: Zero withdrawal period.	054771 066104 069254
.....		2. Beef cattle (under 700 lb): For control of active infection of anaplasmosis caused by *A. marginale* susceptible to chlortetracycline.	Withdrawal periods: To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: Withdraw 48 hours prior to slaughter. To sponsor No. 054771 under NADA 048–761 and No. 069254 under NADA 138–935 and ANADA 200–510: Zero withdrawal period.	054771 066104 069254
*	*	*	*	*

* * * * *

■ 15. In § 558.342:

■ a. Revise paragraphs (d)(3) through (6); and

■ b. Remove paragraphs (d)(7) and (8).

The revisions read as follows:

§ 558.342 Melengestrol.

* * * * *

(d) * * *

(3) Liquid or dry combination Type B or C medicated feeds containing melengestrol acetate and lasalocid must be labeled in accordance with § 558.311(d).

(4) Liquid or dry combination Type B or C medicated feeds containing melengestrol acetate and monensin must be labeled in accordance with § 558.355(d).

(5) Liquid combination Type B or C medicated feeds containing melengestrol acetate and tylosin must be manufactured in accordance with § 558.625(d).

(6) Liquid melengestrol acetate may not be mixed with oxytetracycline in a common liquid feed supplement.

* * * * *

Dated: March 19, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06704 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 821

[Docket No. FDA–2021–N–0246]

Medical Devices; Technical Amendments

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is amending its medical device regulations to make an editorial nonsubstantive change and replace a reference to an obsolete office with updated information. The rule does not impose any new regulatory requirements on affected parties. This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Madhusoodana Nambiar, Office of Policy, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 5519, Silver Spring, MD 20993–0002, 301–796–5837.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's Center for Devices and Radiological Health (CDRH) has reorganized to create an agile infrastructure that can adapt to future organizational, regulatory, and scientific needs (84 FR 22854, May 20, 2019; 85 FR 18439, April 2, 2020). The newly formed Office of Product Evaluation and Quality (OPEQ) combined the former Office of Compliance, the Office of Device Evaluation, the Office of Surveillance and Biometrics, and the Office of In Vitro Diagnostics and Radiological Health, with a focus on a Total Product Lifecycle (TPLC) approach to medical device oversight. Within OPEQ there are Offices of Health Technology that focus on the TPLC review of specific types of medical devices as well as cross-cutting offices focusing on specific policy and programmatic needs including the Office of Regulatory Programs and the Office of Clinical Evidence and Analysis. As part of this technical amendment, we are making changes to correct a reference to an obsolete office and to correctly identify the positions with authority to make decisions on exemptions and variances from tracking orders. This change is nonsubstantive and editorial in nature.

II. Description of the Technical Amendments

The regulations specified in this rule have been revised to make a non-substantive editorial change to correct ''Director of the Office of Regulatory Program'' to ''Director or Principal Deputy Director of the Office of Product Evaluation and Quality'' and replace a reference to ''Director, Office of Compliance'' with ''Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality.'' The rule does not impose any new regulatory requirements on affected parties. The amendments are editorial in nature and should not be construed as modifying any substantive standards or requirements.

III. Notice and Public Comment

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (5 U.S.C. 553). Section 553 of the Administrative Procedure Act (APA) exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking) (5 U.S.C. 553(b)(3)(A)). Rules are also exempt when an Agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(3)(B)).

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make technical or non-substantive changes that pertain solely to the CDRH reorganization and do not alter any substantive standard. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause found and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects in 21 CFR Part 821

Imports, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 821 is amended as follows.

PART 821—MEDICAL DEVICE TRACKING REQUIREMENTS

■ 1. The authority citation for part 821 continues to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 360, 360e, 360h, 360i, 371, 374.

■ 2. In § 821.2, revise paragraphs (b) introductory text and (c) to read as follows:

§ 821.2 Exemptions and variances.

* * * * *

(b) A request for an exemption or variance shall be submitted in the form of a petition under § 10.30 of this chapter and shall comply with the requirements set out therein, except that a response shall be issued in 90 days. The Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality, CDRH, shall issue responses to requests under this section. The petition shall also contain the following:

* * * * *

(c) An exemption or variance is not effective until the Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality,