Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162)(21 CFR 314.162)).

Under § 314.161(a)(1)(21 CFR 314.161(a)(1)), the agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved. FDA may not approve an ANDA that does not refer to a listed drug.

ESTROSTEP 21 (ethinyl estradiol and norethindrone acetate) tablets, 0.02 mg/1 mg, 0.03 mg/1 mg, and 0.035 mg/1 mg, are the subject of approved NDA 20–130 held by Warner Chilcott. ESTROSTEP 21 tablets, 0.02 mg/1 mg, 0.03 mg/1 mg, and 0.035 mg/1 mg, were approved on October 9, 1996, as oral contraceptives indicated for the prevention of pregnancy in women who elect to use these products as a method of contraception. FDA also approved ESTROSTEP FE under NDA 20–130 on October 9, 1996, for the same indication. On July 1, 2001, FDA approved ESTROSTEP 21 and ESTROSTEP FE for the treatment of moderate acne vulgaris under NDA 21–276. Both ESTROSTEP 21 and ESTROSTEP FE provide a gradually increasing estrogen dose with a constant dose of progestin. Both drugs provide the same dosage regimen of oral contraceptive tablets for the first 21 days of a 28–day cycle. ESTROSTEP FE provides an additional seven ferrous fumarate tablets. The ferrous fumarate tablets, which are nonhormonal and serve no therapeutic purpose, are added to facilitate patient compliance by the use of a 28-day regimen where the patient takes a pill every day. Except for the nontherapeutic ferrous fumarate tablets, ESTROSTEP 21 and ESTROSTEP FE have the same therapeutic regimen.

ESTROSTEP 21 is listed in the Orange Book as a discontinued product. ESTROSTEP FE, currently named ESTROSTEP, remains on the list of currently marketed drug products.

Barr Laboratories, Inc., submitted a citizen petition dated September 4, 2002 (Docket No. 2002P–0399/CP1), under 21 CFR 10.30 and § 314.161, requesting that FDA determine whether ESTROSTEP 21 tablets had been discontinued from sale for reasons of safety or effectiveness. In a letter dated December 1, 2004, Warner Chilcott confirmed to the agency that the firm never commercially marketed ESTROSTEP 21 in the United States. In previous instances (see the **Federal Register** of December 30, 2002 (67 FR 79640 at 79641) (addressing a relisting request for Diazepam Autoinjector)), FDA has concluded that, for purposes of §§ 314.161 and 314.162, never marketing an approved drug product is equivalent to withdrawing the drug from sale.

The agency has determined that ESTROSTEP 21 tablets, 0.02 mg/1 mg, 0.03 mg/1 mg, and 0.035 mg/1 mg, were not withdrawn from sale for reasons of safety or effectiveness. In support of this finding, we note that Warner Chilcott continues to market ESTROSTEP FE, which contains the same therapeutic dosage regimen as ESTROSTEP 21. The petitioner identified no data or other information suggesting that ESTROSTEP 21 was withdrawn from sale as a result of safety or effectiveness concerns. FDA has independently evaluated relevant literature and data for possible postmarketing adverse event reports associated with this combination drug product and has found no information that would indicate this product was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing agency records, FDA determines that for the reasons outlined in this document, ESTROSTEP 21 tablets, 0.02 mg/1 mg, 0.03 mg/1 mg, and 0.035 mg/1 mg, were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will continue to list ESTROSTEP 21 in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to ESTROSTEP 21 may be approved by the agency as long as they meet all relevant legal and regulatory requirements for approval of ANDAs. If FDA determines that labeling for these drugs products should be revised to meet current standards, the agency will advise ANDA applicants to submit such labeling.

Dated: May 15, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–9949 Filed 5–22–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0191]

Determination That Protamine Sulfate Injection and 26 Other Drug Products Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that the 27 drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness.This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) for the drug products, and it will allow FDA to continue to approve ANDAs for the products.

FOR FURTHER INFORMATION CONTACT: Mary Catchings, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. Sponsors of ANDAs do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval

of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

Under § 314.161(a) (21 CFR 314.161(a)), the agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) Before an ANDA that refers to that listed drug may be approved or (2) whenever a listed drug is voluntarily withdrawn from sale, and ANDAs that refer to the listed drug have been approved. Section 314.161(d) provides that if FDA determines that a listed drug was removed from sale for safety or effectiveness reasons, the agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug.

FDA has become aware that the drug products listed in the table in this document are no longer being marketed. (As requested by the applicants, FDA withdrew approval of NDA 6–460 for Protamine Sulfate Injection, NDA 18–675 for TAVIST Syrup, NDA 19–243 for PROVENTIL Inhalation Solution, NDA 19–471 for CARDIZEM SR Capsules, and NDA 19–817 for PERSANTINE Injection in the **Federal Register** of March 4, 2005 (70 FR 10651), NDA 8–857 for PHENERGAN Injection in the **Federal Register** of May 5, 2004 (69 FR 25124), and NDA 13–400 for ALDOMET Tablets and NDA 13–401 for ALDOMET Injection in the **Federal Register** of June 16, 2006 (71 FR 34940)).

Application No.	Drug	Applicant
NDA 6–460	Protamine Sulfate Injection, 10 milligrams (mg)/milliliter (mL) in a 25-mL vial	Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285
NDA 6–773	ARTANE (trihexyphenidyl hydrochloride (HCl)) Tablets, 2 mg and 5 mg	Lederle, c/o Wyeth Pharmaceuticals, P.O. Box 8299, Philadelphia, PA 19101–8299
NDA 8–857	PHENERGAN (promethazine HCl) Injection, 25 mg/mL and 50 mg/mL in 1-mL vials	Wyeth Pharmaceuticals, P.O. Box 8299, Philadelphia, PA 19101–8299
NDA 9–149	THORAZINE (chlorpromazine HCl) Tablets, 10, 25, 50, 100, and 200 mg	GlaxoSmithKline, 2301 Renaissance Blvd., King of Prussia, PA 19406
NDA 11–145	DIURIL (chlorothiazide) Tablets, 250 mg and 500 mg	Merck & Co., Inc., Sumneytown Pike, BLA–20, P.O. Box 4, West Point, PA 19486
NDA 11–664	DECADRON (dexamethasone) Tablets, 0.25, 4, and 6 mg	Do.
NDA 11–808	MELLARIL (thioridazine HCl) Tablets, 10, 15, 25, 50, 100, 150, and 200 mg	Novartis Pharmaceuticals Corp., One Health Plaza, East Hanover, NJ 07936
NDA 11–870	DIURIL (chlorothiazide) Suspension, 250 mg/5 mL	Merck & Co., Inc.
NDA 13–400	ALDOMET (methyldopa) Tablets, 125, 250, and 500 mg	Do.
NDA 13–401	ALDOMET (methyldopate HCl) Injection, 50 mg/mL	Do.
NDA 16–363	LASIX (furosemide) Injection, 10 mg/mL	Aventis Pharmaceuticals, Inc., 200 Crossing Blvd., Bridgewater, NJ 08807–0890
NDA 17–391	IMURAN (azathioprine) Injection, 100 mg base/vial	Prometheus Laboratories, 5739 Pacific Center Blvd., San Diego, CA 92121–4203
NDA 17–939	TAGAMET (cimetidine HCl) Injection, 300 mg/2 mL	GlaxoSmithKline
NDA 18–513	CHENIX (chenodiol) Tablets, 250 mg	Axcan Scandipharm, Inc., 22 Inverness Center Parkway, Birmingham, AL 35242–4814
NDA 18–675	TAVIST (clemastine fumarate) Oral Syrup, 0.5 mg/5 mL	Novartis Consumer Health, Inc., 200 Kimball Dr., Parsippany, NJ 07054–0622
NDA 18–922	LODINE (etodolac) Capsules, 200 mg; LODINE Tablets, 400 mg and 500 mg	Wyeth Pharmaceuticals, Inc.
NDA 19–201	VOLTAREN (diclofenac sodium) Delayed-Release Tablets, 25 mg and 50 mg	Novartis Pharmaceuticals, Inc.
NDA 19–243	PROVENTIL (albuterol sulfate) Inhalation Solution, 0.5% and 0.083%	Schering-Plough Corporation, 2000 Galloping Hill Rd., Kenilworth, NJ 07033
NDA 19–434	TAGAMET HCl (cimetidine HCl) in Sodium Chloride 0.9% in Plastic Container, EQ 6 mg/mL	GlaxoSmithKline
NDA 19–471	CARDIZEM SR (diltiazem HCl) Capsules, 60, 90, 120, and 180 mg	Biovail Laboratories, Inc., c/o Bioavail Technologies Ltd., 700 Route 202/206 North, Bridgewater, NJ 08807–0980
NDA 19–817	PERSANTINE (dipyridamole) Injection, 5 mg/mL	Boehringer Ingelheim Pharmaceuticals, Inc., 900 Ridgebury Rd., P.O. Box 368, Ridgefield, CT 06877–0368

Application No.	Drug	Applicant
NDA 20–144	TRANSDERM–NITRO (nitroglycerin), 0.1 mg/hour (hr), 0.2 mg/hr, 0.4 mg/hr, 0.6 mg/hr, 0.8 mg/hr	Novartis Pharmaceuticals Corp.
NDA 20–584	LODINE (etodolac) XL Tablets, 600 mg	Wyeth Pharmaceuticals, Inc.
NDA 21–110	RAPAMUNE (sirolimus) Tablets, 5 mg	Wyeth Pharmaceuticals, Inc.
NDA 50–477	NEBCIN (tobramycin sulfate) Injection, 10 mg/mL	Eli Lilly and Co.
NDA 50–519	NEBCIN (tobramycin sulfate) Injection, 1.2 grams/vial	Do.
ANDA 62–008	NEBCIN (tobramycin sulfate) Injection, 40 mg/mL	Do.

FDA has reviewed its records and, under § 314.161, has determined that the drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will continue to list the drug products listed in this document in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. Approved ANDAs that refer to the NDAs and ANDA listed in this document are unaffected by the discontinued marketing of the products subject to those NDAs and ANDA. Additional ANDAs for the products may also be approved by the agency if they comply with relevant legal and regulatory requirements. If FDA determines that labeling for these drug products should be revised to meet current standards, the agency will advise ANDA applicants to submit such labeling.

Dated: May 15, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–9962 Filed 5–22–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004E–0319]

Determination of Regulatory Review Period for Purposes of Patent Extension; BEXTRA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for BEXTRA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the human drug product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product BEXTRA (valdecoxib). BEXTRA is indicated for relief of the signs and symptoms of osteoarthritis and adult rheumatoid arthritis and for the treatment of primary dysmenorrhea. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for BEXTRA (U.S. Patent No. 5,633,272) from G.D. Searle, LLC, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated August 31, 2004, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of BEXTRA represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for BEXTRA is 1,767 days. Of this time, 1,462 days occurred during the testing phase of the regulatory review period, while 305 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: January 16, 1997. The applicant claims January 15, 1997, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the