

§ 892.1

21 CFR Ch. I (4–1–03 Edition)

Subpart F—Therapeutic Devices

- 892.5050 Medical charged-particle radiation therapy system.
- 892.5300 Medical neutron radiation therapy system.
- 892.5650 Manual radionuclide applicator system.
- 892.5700 Remote controlled radionuclide applicator system.
- 892.5710 Radiation therapy beam-shaping block.
- 892.5730 Radionuclide brachytherapy source.
- 892.5740 Radionuclide teletherapy source.
- 892.5750 Radionuclide radiation therapy system.
- 892.5770 Powered radiation therapy patient support assembly.
- 892.5780 Light beam patient position indicator.
- 892.5840 Radiation therapy simulation system.
- 892.5900 X-ray radiation therapy system.
- 892.5930 Therapeutic x-ray tube housing assembly.

Subpart G—Miscellaneous Devices

- 892.6500 Personnel protective shield.

AUTHORITY: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

SOURCE: 53 FR 1567, Jan. 20, 1988, unless otherwise noted.

Subpart A—General Provisions

§ 892.1 Scope.

(a) This part sets forth the classification of radiology devices intended for human use that are in commercial distribution.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under part 807 cannot show merely that the device is accurately described by the section title and identification provision of a regulation in this part but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, a radiology device that has two or more types of uses (e.g., use both as a diagnostic device and a therapeutic device) is listed in one subpart only.

(d) References in this part to regulatory sections of the Code of Federal

Regulations are to chapter I of this title 21, unless otherwise noted.

§ 892.3 Effective dates of requirement for premarket approval.

A device included in this part that is classified into class III (premarket approval) shall not be commercially distributed after the date shown in the regulation classifying the device unless the manufacturer has an approval under section 515 of the act (unless an exemption has been granted under section 520(g)(2) of the act). An approval under section 515 of the act consists of FDA's issuance of an order approving an application for premarket approval (PMA) for the device or declaring completed a product development protocol (PDP) for the device.

(a) Before FDA requires that a device commercially distributed before the enactment date of the amendments, or a device that has been found substantially equivalent to such a device, has an approval under section 515 of the act, FDA must promulgate a regulation under section 515(b) of the act requiring such approval, except as provided in paragraph (b) of this section. Such a regulation under section 515(b) of the act shall not be effective during the grace period ending on the 90th day after its promulgation or on the last day of the 30th full calendar month after the regulation that classifies the device into class III is effective, whichever is later. See section 501(f)(2)(B) of the act. Accordingly, unless an effective date of the requirement for premarket approval is shown in the regulation for a device classified into class III in this part, the device may be commercially distributed without FDA's issuance of an order approving a PMA or declaring completed a PDP for the device. If FDA promulgates a regulation under section 515(b) of the act requiring premarket approval for a device, section 501(f)(1)(A) of the act applies to the device.

(b) Any new, not substantially equivalent, device introduced into commercial distribution on or after May 28, 1976, including a device formerly marketed that has been substantially altered, is classified by statute (section 513(f) of the act) into class III without any grace period and FDA must have