

OMB INFORMATION COLLECTION
SUPPORTING STATEMENT
0910-0206

Request for Samples and Protocols; Biological Products

JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Food and Drug Administration (FDA) is requesting an extension of OMB approval of OMB Control No. 0910-0206 and the information collection requirements for the regulations listed below (Tab A).

21 CFR 610.2	Reporting	FDA may at any time require manufacturers of licensed biological products to submit to FDA samples of any lot along with the protocols showing the results of applicable tests prior to marketing the lot of the product.
21 CFR 640.101(f)(2)	Reporting	Requires for each lot of Immune Globulin (Human) product, the submission of all protocols relating to the history of the product and all results of all tests prescribed in the additional standards for the product.
21 CFR 660.6(b)	Reporting	Provides the requirements for the submission of a protocol containing specific information along with each required sample.
21 CFR 660.36(a)(2) and (b)	Reporting	Section 660.36(a)(2) requires a protocol contain information including, but not limited to, manufacturing records, test records, and test results. Section 660.36 (b) requires a copy of the antigenic constitution matrix specifying the antigens present or absent to be submitted to FDA at the time of initial distribution of each lot.
21 CFR 660.46(b)	Reporting	Provides the requirements for the submission of a protocol containing specific information along with each required sample.

Under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262)(Tab B), FDA has the responsibility to issue regulations that prescribe standards designed to ensure the safety, purity, and potency of biological products and to ensure that licenses for such products are only issued when a product meets the prescribed standards. Samples and protocols are required by FDA to help ensure the safety, purity, and potency of the product because of the potential lot-to-lot variability of a product produced from living organisms. In cases of certain biological products (e.g., Albumin, Plasma Protein Fraction, and specified biotechnology and specified synthetic biological products) that are known to have lot-to-lot consistency, official lot release is not **normally required. However, submissions of samples and protocols of these products may still be required for surveillance, licensing, and export purposes, or in the event that FDA obtains information that the manufacturing process may not result in consistent quality of the product.**

2. Purpose and Use of the Information

Samples and protocols are required by FDA to help ensure the safety, purity, and potency of a product because of the potential lot-to-lot variability of a product produced from living organisms. The written protocols are reviewed by FDA scientists and other staff with expertise in the appropriate product and scientific area. Samples may be tested by FDA to verify the manufacturer's test results. A manufacturer

may not distribute a product until official release for the lot is received from FDA.

3. Use of Information Technology and Burden Reduction

One of FDA's continuing objectives is to improve the speed and quality of its review and approval programs. CBER intends to continue this trend by accepting electronic lot release protocols and plans to issue guidance to assist manufacturers in this area (e.g., Draft Guidance for Industry: Instructions for Submitting Electronic Lot Release Protocols to the Center for Biologics Evaluation and Research (6/1/98; 63 FR 29742)). FDA believes the increased use of computer assisted protocol submissions will enhance the timeliness, effectiveness, and efficiency of the review process and reduce burdensome, nonessential hard-copy handling and storage. FDA is not aware of any other improved technology to reduce the burden.

4. Efforts to Identify Duplication and Use of Similar Information

FDA is the only agency that requires the submission of samples and protocols for biological products for purposes of lot release. No other component of the agency or other government agencies require similar information or data to be submitted. This information is not available from any other source.

5. Impact on Small Businesses or Other Entities

FDA believes that its duty requires the equal application of the regulations to all enterprises. While FDA does not believe it can apply different standards with respect to statutory requirements, FDA does provide special help to small businesses. The Center for Biologics Evaluation and Research, Office of Communication, Training, and Manufacturer's Assistance provides assistance to small businesses subject to FDA's regulatory requirements.

6. Consequences of Collecting the Information Less Frequently

Samples and protocols required by FDA help ensure the safety, purity, and potency of the product because of the potential lot-to-lot variability of a product produced from living organisms. The frequency of submissions depends upon the number of lots produced for a product. Less frequent collection of information will not provide the necessary information needed by FDA to properly evaluate the safety, purity, and potency of a biological product.

There are no technical or legal obstacles to reducing the burden.

7. Special Circumstances Relating to the Guideline of 5 CFR 1320.5

An applicant may be required to submit to FDA proprietary trade secret or other confidential information when submitting a protocol. FDA has instituted security measures to protect confidential information received from manufacturers and will, to the extent permitted by law, protect the information. In addition, the frequency of submissions may be more often than quarterly depending upon the number of lots produced for a product over that time.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

In accordance with 5 CFR 1320.8(d), FDA published a 60-day notice the Federal Register on March 22, 2000 (65 FR 15341) (Tab C) requesting comments from the public on the information collection

provisions. No comments were received.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift was provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

The confidentiality of information received by FDA would be consistent with the Freedom of Information Act and the agency's regulations under 21 CFR Part 20. Proprietary or trade secret information is deleted from any information released by FDA under the Freedom of Information Act and FDA regulations.

11. Justification for Sensitive Questions

Questions of a sensitive nature are not applicable to this information collection.

12. Estimate of Hour Burden Including Annualized Hourly Costs

The estimated annual burden for this information collection is 21, 878 hours.

Estimated Annual Reporting Burden

21 CFR	No. of Respondents	Annual Frequency per Response	Total Annual Response	Hours per Response	Total Hours
610.2	86	82.72	7,114	3	21,342
640.101(f)(2)	5	4.40	22	5	110
660.6(b)	6	11.33	68	5	340
660.36(a)(2) and (b)	1	1	1	6	6
660.46(b)	2	8	16	5	80
Total	100		7,221		21,878

The burden estimate is for protocols required to be submitted with each sample. The collection of samples is not a collection of information under 5 CFR 1320.3(h)(2). Respondents to the collection of information under § 610.2 are manufacturers of any licensed biological product. Respondents to the collection of information under §§ **640.101(f)(2), 660.6(b), 660.36(a)(2) and (b), and 660.46(b) are manufacturers of the specific products referenced above.** The estimated number of respondents for each regulation is based on the annual number of manufacturers that submitted samples and protocols for biological products including submissions for lot release, surveillance, licensing, or export. There are an estimated total 350 manufacturers of licensed biological products, however, based on information obtained from FDA's database system, approximately 100 manufacturers submitted samples and protocols in 1998, under the regulations cited above. FDA estimates that approximately 86 manufacturers submitted protocols under § 610.2 and 14 manufacturers submitted protocols under the regulations for the specific products. The total annual responses are based on FDA's final actions completed in fiscal year 1998, which totaled 7,221, for the various submission requirements of samples and protocols for biological products. The rate of final

actions is not expected to change significantly in the next few years. The hours per response are based on information provided by industry. The burden estimates provided by industry ranged from 1 to 5.5 hours. Under § 610.2, the hours per response are based on the average of these estimates and rounded to 3 hours. Under the remaining regulations, the hours per response are based on the higher end of the estimate (rounded to 5 or 6 hours) since more information is generally required to be submitted in the protocol than under § 610.2.

Cost to Respondents

The estimated annual cost to respondents is \$ 984,510.00.

Activity	No. of Hours	Cost per Hour	Total Cost
Reporting	21,878	\$45.00	\$984,510.00

The cost estimate is based on an average pay rate of \$45.00/hour. This average is based on the salaries of an upper level manager, mid-level professional, and clerical support that may be involved in the preparation and submission of the protocol.

13. Estimate of Other Total Annual Cost Burden to Respondents or Recordkeepers

There are no capital start-up, operation, maintenance, or purchase costs associated with the information collection.

14. Annualized Cost to the Federal Government

The estimated annualized cost to the Federal Government is \$ 758, 205. The review of each protocol by FDA involves approximately six persons who spend a total of approximately 3 hours per protocol. The estimate is based on FDA's final actions completed in fiscal year 1998, which totaled 7,221. This estimate does not include the time related to the testing of samples because the submission of samples is not a collection of information.

Activity	Number of Reviews	Review Time	Average Cost per Hours	Total Cost
Protocol Review	7,221	3 hrs.	\$35.00	\$ 758, 205

15. Explanation of Program Changes or Adjustments

The previous burden estimate was 19,500 hours. The slight increase in hours to 21,878 is attributed to the increase in the estimate for the annual number of submissions.

16. Plans for Tabulation and Publication and Program Time Schedule

There are no tabulated results for this information collection.

17. Reason(s) Display of Expiration Date is Inappropriate

FDA is not seeking approval to exempt the display of the expiration date of the OMB approval.

18. Exceptions to Certification for Paperwork Reduction Act Submission

There are no exceptions to Item 19 of OMB Form 83-I.