

SUPPORTING STATEMENT

Guidance for Industry on Formal Meetings with Sponsors and Applicants for PDUFA Products

A. Justification

1. Circumstances of Information Collection

This information collection approval request is for a Food and Drug Administration (FDA) guidance on the procedures for formal meetings between FDA and sponsors or applicants regarding the development and review of PDUFA products. The guidance describes procedures for requesting, scheduling, conducting, and documenting such formal meetings. The guidance provides information on how the agency will interpret and apply section 119(a) of the Modernization Act, specific PDUFA goals for the management of meetings associated with the review of human drug applications for PDUFA products, and provisions of existing regulations describing certain meetings (Secs. 312.47 and 312.82 (21 CFR 312.47 and 312.82)).

The guidance describes two collections of information: The submission of a meeting request containing certain information and the submission of an information package in advance of the formal meeting. Agency regulations at Sec. 312.47(b)(1)(ii), (b)(1)(iv), and (b)(2) describe information that should be submitted in support of a request for an End-of-Phase 2 meeting and a Pre-NDA meeting. The information collection provisions of Sec. 312.47 have been approved by OMB (OMB Control No.0910-0014).

However, the guidance provides additional recommendations for submitting information to FDA in support of a meeting request. As a result, FDA is providing revised estimates.

A. Request for a Meeting

Under the guidance, a sponsor or applicant interested in meeting with the Center for Drug Evaluation and Research (CDER)

or the Center for Biologics Evaluation and Research (CBER) should submit a meeting request to the appropriate FDA component as an amendment to the underlying application. FDA regulations (Secs. 312.23, 314.50, and 601.2 (21 CFR 312.23, 314.50, and 601.2)) state that information provided to the agency as part of an IND, NDA, or BLA must be submitted in triplicate and with an appropriate cover form. Form FDA 1571 must accompany submissions under IND's and Form FDA 356h must accompany submissions under NDA's and BLA's. Both forms have valid OMB control numbers as follows: FDA Form 1571, OMB Control No. 0910-0014, expires December 31, 1999; and FDA Form 356h, OMB Control No. 0910-0338, expires April 30, 2000.

In the guidance document, CDER and CBER ask that a request for a formal meeting be submitted as an amendment to the application for the underlying product under the requirements of Secs. 312.23, 314.50, and 601.2; therefore, requests should be submitted to the agency in triplicate with the appropriate form attached, either Form FDA 1571 or Form FDA 356h. The agency recommends that a request be submitted in this manner for two reasons: (1) To ensure that each request is kept in the administrative file with the entire underlying application, and (2) to ensure that pertinent information about the request is entered into the appropriate tracking data bases. Use of the information in the agency's tracking data bases enables the agency to monitor progress on the activities attendant to scheduling and holding a formal meeting and to ensure that appropriate steps will be taken in a timely manner.

Under the guidance, the agency requests that sponsors and applicants include in meeting requests certain information about the proposed meeting. Such information includes:

- Information identifying and describing the product;

- The type of meeting being requested;
- A brief statement of the purpose of the meeting;
- A list of objectives and expected outcomes from the meeting;
- A preliminary proposed agenda;
- A draft list of questions to be raised at the meeting;
- A list of individuals who will represent the sponsor or applicant at the meeting;
- A list of agency staff requested to be in attendance;
- The approximate date that the information package will be sent to the agency; and
- Suggested dates and times for the meeting.

This information will be used by the agency to determine the utility of the meeting, to identify agency staff necessary to discuss proposed agenda items, and to schedule the meeting.

B. Information Package

A sponsor or applicant submitting an information package to the agency in advance of a formal meeting should provide summary information relevant to the product and supplementary information pertaining to any issue raised by the sponsor, applicant, or agency. The agency recommends that information packages generally include:

- Identifying information about the underlying product;
- A brief statement of the purpose of the meeting;
- A list of objectives and expected outcomes of the meeting;
- A proposed agenda for the meeting;
- A list of specific questions to be addressed at the meeting;
- A summary of clinical data that will be discussed (as appropriate);
- A summary of preclinical data that will be discussed (as

appropriate); and

-Chemistry, manufacturing, and controls information that may be discussed (as appropriate).

The purpose of the information package is to provide agency staff the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product. Although FDA reviews similar information in the meeting request, the information package should provide updated data that reflect the most current and accurate information available to the sponsor or applicant. The agency finds that reviewing such information is critical to achieving a productive meeting.

The collection of information described in the guidance reflects the current and past practice of sponsors and applicants to submit meeting requests as amendments to IND's, NDA's, and BLA's and to submit background information prior to a scheduled meeting. Agency regulations currently permit such requests and recommend the submission of an information package before an End-of-Phase 2 meeting (Sec. 312.47(b)(1)(ii) and (b)(1)(iv)) and a Pre-NDA meeting (Sec. 312.47(b)(2)).

2. Purpose and Use of Information

The agency is recommending the above procedures for submitting a meeting request for two reasons: (1) To ensure that each request is kept in the administrative file with the entire underlying application, and (2) to ensure that pertinent information about the request is entered into the appropriate tracking data bases. Use of the information in the agency's tracking data bases enables the agency to monitor progress on the activities attendant to scheduling and holding a formal meeting and to ensure that appropriate steps will be taken in a timely

manner. This information will be used by the agency to determine the utility of the meeting, to identify agency staff necessary to discuss proposed agenda items, and to schedule the meeting.

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3. Use of Improved Information Technology

In the mid-1980's, FDA began working with pharmaceutical sponsors to develop Computer-Assisted New Drug Applications (CANDA). CANDAs were designed to provide information (text, data, image) electronically to facilitate the review of applications. These efforts yielded valuable information but were limited because for each new drug review division sponsors tended to develop different hardware and software approaches. A reviewer might be confronted with an array of hardware, software, and review tools to conduct a review that differed between sponsors and applications. Also, CANDAs were never approved as a substitute for the archival copy, so firms were still required to submit copies.

One solution to limitations of CANDAs was an approach whereby staff responsible for a particular review discipline (eg, chemistry, clinical) worked directly with pharmaceutical sponsors to develop a consistent approach that would be applicable to all sponsors and to all review divisions. Focus on this approach has

evolved into the Electronic Regulatory Submission and Review (ERSR) Program. This new initiative is intended to ensure both the electronic availability of information and the means to manipulate this information electronically to yield a review.

ERSR has been made possible by other developments. The harmonization of FDA Form 356h has ensured that NDAs, ANDAs, and Biological License Applications would contain comparable information in the same sections of the submission. The promulgation of the "Electronic Records; Electronic Signatures" final rule allowed FDA to accept electronic submissions without an accompanying paper archival copy because electronic records are equivalent to paper records and electronic signatures are equivalent to hand-written signatures provided the requirements of 21 CFR Part 11 are met and the document has been identified in the agency's public docket as being acceptable for filing. The Guidance for Industry on "Archiving Submissions in Electronic Format - NDAs" provides for the receipt and archival of electronic report forms and tabulations. Another guidance for industry on "Providing Regulatory Submissions in Electronic Format - NDAs" issued in January 1999.

ERSR is made up of a variety of projects that are in different stages of development and implementation. These projects are categorized into 3 areas: First, "Electronic Submissions" includes standards-related projects to define the format and content of regulatory submissions; written guidance for industry to follow in preparing electronic submissions; an Electronic Document Room project to accommodate the receipt, archive, and storage of electronic transmissions; an Electronic Gateway project to provide an agency-level central point for receipt of secure electronic transmissions and routing to the Centers; and scientific databases that include structured

databases, reference guides, and analytical tools used by reviewers. Second, "Corporate Databases, Documentbases and Applications" includes projects under the Electronic Document Management System and the Management Information System. Third, other electronic initiatives including technical infrastructure, technical support, and training.

ERSR will impact the underlying business processes related to regulatory submissions and reviews. Document rooms will handle electronic media rather than paper copies. Reviewers will review submissions online and generate their review documents online. Reviewers will conduct data analysis using structured databases, which combine data extracted from the submission under review as well as historical data from earlier submissions. Industry sponsors and manufacturers will experience reduced paper costs and manpower to compile paper submissions and better access to application status information through electronic mail.

4. Efforts to Identify Duplication

The information collection requested under the guidance does not duplicate any other information collection.

5. Involvement of Small Entities

Although new drug development is typically an activity completed by large multinational drug firms, the information collection requested under the guidance applies to small as well as large companies. Under the Regulatory Flexibility Act, FDA regularly analyzes regulatory options that would minimize any significant impact on small entities. FDA also assists small businesses in complying with regulatory requirements.

6. Consequences If Information Collected Less Frequently

As explained above, use of the meeting request information in the agency's tracking data bases enables the agency to monitor progress on the activities attendant to scheduling and holding a formal meeting and to ensure that appropriate steps will be taken in a timely manner. This information will be used by the agency to determine the utility of the meeting, to identify agency staff necessary to discuss proposed agenda items, and to schedule the meeting. The information package will provide agency staff with the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product. Although FDA reviews similar information in the meeting request, the information package should provide updated data that reflect the most current and accurate information available to the sponsor or applicant. The agency finds that reviewing such information is critical to achieving a productive meeting.

7. Consistency with the Guidelines in 5 CFR 1320.5(d)(2)

There is no inconsistency with the guidelines.

8. Consultation Outside the Agency

A draft guidance was published with opportunity for public comment in the Federal Register of March 19, 1999 (64 FR 13591). One comment was received. The comment stated that FDA's estimate is a relatively accurate accounting of time used in administrative preparation of information for routine meetings. The comment stated that FDA underestimated the time required for creative writing and editing tasks associated with preparation of paperwork prior to a formal meeting where many issues or complicated topics will be discussed.

The agency's estimates are based in part on the expectation that respondents will have already compiled for submission to the agency most of the data and information that is described in the guidance document. The agency anticipates that respondents will have submitted the information as part of the underlying product application. Therefore, the bulk of the paperwork

burden is related to administrative tasks, i.e., gathering and copying brief statements about the product and describing details of the anticipated meeting.

9. Remuneration of Respondents

FDA has not provided and has no intention to provide any payment or gift to respondents under these requirements.

10. Assurance of Confidentiality

Confidentiality of the information submitted under this guidance is protected under 21 CFR 314.430 and under 21 CFR part 20. The unauthorized use or disclosure of trade secrets required in applications is specifically prohibited under Section 310(j) of the Act.

11. Questions of a Sensitive Nature

There are no questions of a sensitive nature.

12. Estimates of Annualized Hour Burden

Provided below is an estimate of the annual reporting burden for the submission of meeting requests and information packages under the guidance.

A. Request For a Formal Meeting

Based on data collected from the review divisions and offices within CDER and CBER, FDA estimates that in fiscal year (FY) 1998, 548 sponsors and applicants (respondents) requested formal meetings with CDER and 495 respondents requested formal meetings with CBER regarding the development and review of a PDUFA product. FDA anticipates that the potential number of respondents submitting meeting requests will remain the same, and therefore estimates that the total number of respondents will be

1,043. The agency further estimates that the total annual responses, i.e., the total number of meetings requested per year, will be 1,043, based on data collected from the offices within CDER and CBER. The hours per response, which is the estimated number of hours that a respondent would spend preparing the information to be submitted with a meeting request in accordance with the draft guidance, is estimated to be approximately 10 hours. Based on FDA's experience, the agency expects it will take respondents this amount of time to gather and copy brief statements about the product and a description of the purpose and details of the meeting. Therefore, the agency estimates that sponsors will use 10,430 hours per year requesting formal meetings with CDER and CBER regarding the development and review of PDUFA products.

B. Information Package

Based on data collected from the review divisions and offices within CDER and CBER, FDA estimates that in FY 1998, CDER held 527 formal meetings and CBER held 415 formal meetings regarding the review of human drug applications as defined in section 735(1) of the act. FDA anticipates that the potential number of meetings will remain the same; thus, the agency estimates that total annual responses will be 942. As stated previously, it is the current practice for sponsors and applicants to submit information packages to the agency in advance of any such meeting. In FY 1998, 527 respondents submitted information packages to CDER and 415 respondents submitted information packages to CBER prior to the scheduled meetings. FDA anticipates that the potential number of respondents submitting an information package will remain the same; thus, the agency estimates that the total number of respondents will be 942. The hours per response, which is the

estimated number of hours that a respondent would spend preparing the information package in accordance with this guidance, is estimated to be approximately 18 hours. Based on FDA's experience, the agency expects it will take respondents this amount of time to gather and copy brief statements about the product, a description of the details for the anticipated meeting, and data and information that generally would already have been compiled for submission to the agency. Therefore, the agency estimates that respondents will spend 16,856 hours per year submitting information packages to the agency prior to a formal meeting regarding the development and review of a PDUFA product.

As stated earlier, the guidance provides information on how the agency will interpret and apply section 119(a) of the Modernization Act, specific PDUFA goals for the management of meetings associated with the review of human drug applications for PDUFA products, and provisions of existing regulations describing certain meetings (Secs. 312.47 and 312.82). The information collection provisions in Sec. 312.47 concerning End-of-Phase 2 meetings and Pre-NDA meetings have been approved by OMB (OMB Control No. 0910-0014). These estimates provide for 100 respondents submitting 100 total annual responses at 24 hours per response, equaling 2,400 total burden hours. Therefore, FDA is subtracting these estimates from the estimates described previously for all formal meetings between FDA and sponsors or applicants regarding the development and review of PDUFA products. Specifically, the agency is subtracting burden estimates for meeting requests and information packages for End-of-Phase 2 meetings and Pre-NDA meetings. This reduces the total estimated burden hours from 27,386 to 24,986.

Estimated Annual Reporting Burden

Meeting Requests and Information Packages	Number of Respondents	Number of Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Hours
Meeting Requests					
CDER	548	1	548	10	5,480
CBER	495	1	495	10	4,950
Total					10,430
Information Packages					
CDER	527	1	527	18	9,486
CBER	415	1	415	18	7,470
Total					16,956
Subtotal					27,386
Less 2,400 hours					24,986
TOTAL					24,986

13. Estimates of Annualized Cost Burden to Respondents

FDA's Economics Staff estimates an average industry wage rate of \$50.00 per hour for preparing and submitting the information requested under the guidance. This figure is an average of the following wage rates (based on the percentage of time required for each type of employee): Upper management at \$70.00 per hour; middle management at \$35.00 per hour; and clerical assistance at \$23.00 per hour. Using the averaged wage rate of \$50.00 per hour, and multiplied times the total hour burden estimated above, the total cost burden to respondents is \$1,249,300.00.

14. Estimates of Annualized Cost Burden to the Government

FDA estimates that there will be no additional costs associated with the receipt/review by FDA of the information submitted under the guidance. 15. Publication of Information Collection Results

FDA does not intend to publish tabulated results of the information collection requirements that would be imposed by these regulations.

16. Time Schedule, Publication and Analysis Plans

There are no publications.

17. Display of OMB Approval

The required reporting forms accurately reflect the OMB approval number

18. Exception to the Certification Statement - Item 19

There are no exceptions to the certification statement identified in Item 19, “ Certification for Paperwork Reduction Act Submission,” of OMB Form 83-I.

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