

OMB Information Collection
Postmarketing Studies for Human Drugs and Licensed Biological Products; Status Reports
OMB Number 0910-0433
Supporting Statement

JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Food and Drug Administration (FDA) is requesting Office of Management and Budget (OMB) approval of the information collection requirements contained in the final rule amending 21 CFR Parts 314 and 601 (Attachment A). These requirements are listed below.

21 CFR Section

§314.81(b)(2)(vii) -- Reporting: The status of each postmarketing study concerning clinical safety, clinical efficacy, clinical pharmacology, and nonclinical toxicology required by FDA or committed to by the applicant at the time of approval, shall be reported annually.

§314.81(b)(2)(viii) -- Reporting: The status report of any postmarketing study not included under paragraph (b)(2)(vii) of this section being performed by, or on behalf of, the applicant shall be reported annually.

§314.81(b)(2)(ix) -- Reporting: The report may contain, at the applicant's discretion, a list of any open regulatory business with FDA concerning the drug product subject to the application.

§601.70(b) and (d) -- Reporting: Each applicant of a licensed biological product shall submit a report, accompanied by Form FDA 2252, to FDA on the status of postmarketing studies for each approved biologics license application (BLA) required by FDA or committed to by the applicant. Two copies of each report shall be submitted.

In accordance with section 130 of the Modernization Act (Attachment B) and the President's "Reinventing Government" initiatives, FDA is amending its human drug and biologics regulations by revising the format and content of the status reports section of the postmarketing annual reporting requirements for human drug products with approved applications and by adding a new requirement for submission of annual status reports for certain postmarketing studies of licensed biological products.

2. Purpose and Use of the Information

The final rule describes the types of postmarketing studies that require status reports, the information to be included in the reports, and the type of information that FDA would consider appropriate for public disclosure. FDA will use this information to meet its reporting obligations under section 506B of the Federal Food, Drug and Cosmetic Act (the act) (Attachment C) and section 130(b) of the Modernization Act.

3. Use of Information Technology and Burden Reduction

The Center is developing plans to receive this information electronically. However, plans are still in the very early stages of development.

4. Efforts to Identify Duplication and Use of Similar Information

There are no other regulations requiring this information for this purpose. The required information is not available from any other source. These are the only practical means by which FDA can obtain the information needed.

5. Impact on Small Businesses or Other Small 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, the agency does provide special help to small businesses. The Center for Biologics Evaluation and Research (CBER), Office of Communication, Training and Manufacturers Assistance, provides guidance to small businesses concerning regulatory requirements. The Center for Drug Evaluation and Research (CDER) also has a contact for small businesses located in the Office of Training and Communications.

6. Consequences of Collecting the Information Less Frequently

Under section 506B(a) of the act, applicants that have committed to conduct a postmarketing study for a human drug or biological product that is approved for marketing must submit to FDA a report on the progress of the study or the reasons for the failure of the applicant to conduct the study. The first report must be submitted within 1 year after the approval of the product and annually thereafter until the study is completed or terminated. Less frequent collection of information would not provide the necessary information needed by FDA to properly monitor the progress of postmarketing studies.

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

An applicant may be required to submit to FDA proprietary trade secrets or other confidential information when submitting annual reports. FDA has instituted security measures to protect confidential information received from manufacturers and will, to the extent permitted by law, protect this information.

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

Publication of the proposed rule in the **Federal Register** of December 1, 1999 (64 FR 67207), provided the opportunity for comment from all manufacturers in the regulated industry and other interested persons. (Attachment D.) No comments were received in response to the agency's notice required by 5 CFR 1320.8(d), soliciting comments on the information collection provisions of the proposed rule.

9. Explanation of Any Payment or Gift to Respondents

FDA has no intention to provide any gift or payment to respondents.

10. Assurance of Confidentiality Provided to Respondents

In §§314.81(b)(2)(vii)(B) and 601.70(e), the agency specifically states that FDA will not publicly disclose trade secrets, as defined in §20.61, or information, described in §20.63, that would constitute an unwarranted invasion of personal privacy.

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 total estimated reporting burden is 4,384 hours.

Table 1. -- Estimated Annual Reporting Burden

21 CFR Section	No. of Respondents	No. of Studies Reported Annually per Respondent	Total Annual Studies Reported	Hours per Reported Study	Total Hours
314.81(b)(2)(vii), (viii), and (ix)*	183	2.5	462	8	3,696
601.70 (b) and (d)	33	2.6	86	8	688
Total (Regulatory)					4,384

* One-time burden for reformatting annual report.

Respondents to this information collection are applicants holding applications for human drugs and biological products that have committed to conduct postmarketing studies.

Under current § 314.81(b)(2), applicants with approved NDAs and ANDAs for human drugs are required to submit to the agency two copies of the annual report, accompanied by Form FDA 2252, that must include information on the current status of any postmarketing study (OMB No. 0910-0001).

Section 314.81(b)(2)(vii), (viii), and (ix) requires status information to be provided in a specific format as part of the status reports of postmarketing study commitments (clinical safety, clinical efficacy, clinical pharmacology, and nonclinical toxicology), a subpart of the annual report. Based on past experience, the agency estimates that each applicant holding an approved NDA or ANDA will expend an additional 8 hours, to reformat the annual report. This is a one-time burden required under §314.81(b)(2)(vii). Based on the number of drug applicants who have committed to conduct postmarketing studies, the agency estimates that this provision will apply to approximately 183 applicants and approximately 462 postmarketing studies.

Based upon information obtained from CBER's computerized application and license tracking database, the agency estimates that approximately 33 applicants with 43 approved BLA's have committed to conduct approximately 86 postmarketing studies (clinical safety, clinical efficacy, clinical pharmacology, and nonclinical toxicology) and will be required to submit an annual progress report on those postmarketing studies under § 601.70. Section 601.70 requires postmarketing studies status reports for the first time for biological products. Previously, status reports were required only for postmarketing studies in pediatric populations. Based on past experience with reporting under § 314.81(b)(2), the agency estimates that approximately 8 hours annually is required for an applicant to gather, complete, and submit the appropriate information for each study (approximately two studies per report). Included in these 8 hours is the time necessary to initially format the status report.

Applicants holding NDAs, ANDAs, and BLAs whose anniversary date of U.S. approval of the application falls within the latter half of the year after the effective date of this final rule are required under § 506B of the act to submit an initial report to FDA for postmarketing studies

committed to be conducted prior to November 21, 1997, within 6 months after the effective date of the final rule in addition to the reports required by the final rule. This information collection is a statutory requirement for which the final rule adds no additional burden other than prescribing the format. The burden of setting up the format is calculated under §§ 314.81(b)(2)(vii) and 601.70(b).

Cost to Respondents

The estimated annual cost to respondents is \$197,616.

Activity	No. Of Hours	Cost per Hour	Total Cost
Reporting	6,344	\$31.15	\$197,616

FDA estimates that manufacturers will require 6,344 total hours annually to submit the required status report of postmarketing studies as part of the annual report. The cost estimate is based on a regulatory affairs specialist, who is responsible for preparing the status report for the postmarketing studies and receives a pay rate of \$31.15 per hour (including benefits but no overhead costs).

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

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

14. Annualized Cost to Federal Government

An estimate of the total cost to the Federal Government associated with the review of the postmarketing study status reports is provided in the table below. The cost estimate is based on average review time of 4 hours and average hourly salaries plus benefits for CDER and CBER reviewers. The total cost estimate for review of the postmarketing status reports submitted in annual reports is \$93,160.

Status Reports	No. of Reports	Hours X Salary	Total Cost
Regulatory	548	4 X \$42.50/hr	\$93,160
TOTAL			\$93,160

15. Explanation of Program Changes or Adjustments

Changes in burden are not applicable at this time, as this is the first submission for the final rule.

16. Plans for Tabulation and Publication and Program Time Schedule

There are no tabulated results to publish for this information collection.

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

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

18. Exceptions to Certification for Paperwork Reduction Act Submission

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

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that this certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and

the reason in
Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

OMB 83-I

8/00