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OFFICE OF NEW ANIMAL DRUG EVALUATION REVIEWER'S CHAPTER

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**IMPLEMENTING SHORTENED REVIEW TIMES FOR  
NEW ANIMAL DRUG APPLICATION (NADA) REACTIVATIONS AND  
INVESTIGATIONAL NEW ANIMAL DRUG (INAD) FILE RESUBMISSIONS USING  
ESUBMITTER**

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**I. PURPOSE**

The purpose of this document is to describe the Office of New Animal Drug Evaluation's (ONADE) procedures for implementing shortened review times for reactivations of new animal drug applications (NADA) and resubmissions to the investigational new animal drug (INAD) file.

**II. BACKGROUND**

On October 1, 2014, the Center for Veterinary Medicine (CVM) implemented a shortened review time process for NADA reactivations and INAD resubmissions as outlined in the Animal Drug User Fee Act (ADUFA) Reauthorization Performance Goals and Procedures – Fiscal Years 2014 through 2018 (ADUFA III Goals Letter).<sup>1</sup>

Refer to Section IV of this document for the criteria to determine whether an application or submission may qualify for shortened reactivation or resubmission review timeframe. Appendix 1 also provides the list of the criteria.

**III. TYPES OF APPLICATIONS/SUBMISSIONS THAT MAY QUALIFY FOR  
SHORTENED REACTIVATION OR RESUBMISSION REVIEW TIMES**

In the ADUFA III Goals Letter, CVM identifies the four types of NADA and INAD submissions that may qualify for shortened review timeframes when they are reactivated or resubmitted. Table 1 summarizes these submission types and their associated review timeframes.

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<sup>1</sup> ADUFA III Goals Letter <https://www.fda.gov/media/85724/download>

Table 1. CVM ONADE Review Times

<b>Submission Type: ADUFA III Goals Letter Terminology</b>	<b>Submission Type: CVM ONADE Terminology</b>	<b>Initial Submission: Normal Review Time</b>	<b>Reactivation or Resubmission: Shortened Review Time</b>
Non-administrative new animal drug applications	Non-administrative original NADA	180 days  Submission code: A	135 days  Submission code: E
Non-manufacturing supplemental new animal drug applications	Non-administrative B1 supplemental NADA	180 days  Submission code: C	135 days  Submission code: R
INAD study submission <sup>2</sup>	Technical section submission	180 days  Submission code: P	60 days  Submission code: P
INAD protocol without data submission	Protocol	50 days  Submission code: E	20 days  Submission code: E

#### IV. CRITERIA FOR SHORTENED REACTIVATION/RESUBMISSION REVIEW TIMES

CVM generally will offer the shortened reactivation and resubmission times where possible. We expect sponsors to continue to submit high quality submissions to facilitate review by ONADE.

CVM will utilize the procedures established for refuse to file (RTF) and refuse to review (RTR) as applicable and warranted.<sup>3</sup> CVM will continue to apply the minor amendment process as appropriate.<sup>4</sup>

If we decide to issue an application incomplete, technical section incomplete, or protocol non-concurrence letter, reviewers should confirm all of the following factors in their decision to offer a shortened review timeframe for a future NADA reactivation or INAD resubmission:

<sup>2</sup> The shortened resubmission review time process does not apply to stand-alone Human Food Safety – Microbial Food Safety Hazard Characterization technical section submissions (100-day review time).

<sup>3</sup> P&P 1243.2050 Refuse to File and Refuse to Review

<sup>4</sup> See P&P 1243.3026 Amending Stars Submissions

1. Sponsor submitted the initial application or submission using eSubmitter.
2. We can clearly identify and communicate to the sponsor the changes and/or submission of additional information that could reasonably be expected to complete the application or submission.
3. We can complete review of the NADA reactivation or INAD resubmission and make the review decision within the shortened review time.
4. All consulting reviews and the primary review, when taken as a whole, support the decision to offer shortened review timeframe.

Based on the criteria above, CVM will state in the incomplete or non-concurrence letter whether the future NADA reactivation or INAD resubmission may qualify for a shortened review time and indicate the appropriate review timeframe. The letter will outline the criteria to qualify for the shortened review time.

Because the decision to offer shortened review time will be situation-dependent, the determination of whether to offer it when issuing an incomplete or non-concurrence letter involves the judgment of the primary reviewer in conjunction with the consulting reviewers. As necessary, the primary reviewer should keep the team leader, consulting reviewers, and project managers informed to assure consistency across ONADE.

If a sponsor wants to discuss proposals to address the deficiencies in the incomplete or non-concurrence letter within 120 days of receiving CVM's non-concurrence or incomplete letter, they can do so informally or formally. Informal communication can occur by email or telephone and does not result in a memorandum of conference (MOC). For example, CVM can address appropriately minor questions and clarifications of CVM's comments in an informal meeting.

If the sponsor wants a formal meeting with an MOC, there is time within the 120-day response window to accomplish this. The sponsor should submit a formal meeting request (submission type code Z).<sup>5</sup>

Once received, an NADA reactivation or INAD resubmission qualifies for shortened review timeframe if:

1. The sponsor submits it using eSubmitter within 120 days of CVM's dated incomplete or non-concurrence letter.
2. The sponsor certifies that no additional information beyond the scope of addressing the comments/deficiencies was included in the NADA reactivation or INAD resubmission. CVM determines that the sponsor only included information that adequately addresses the comments and deficiencies stated in the initial incomplete or non-concurrence letter.
3. When resubmitting a protocol, the sponsor highlighted the changes within the text of the protocol, including minor modifications that were necessary during the incorporation of the requested changes (e.g., section numbering, pagination). The

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<sup>5</sup> P&P 1243.3024 Scheduling and Holding Meetings with Outside Parties

sponsor also should provide a written response to each CVM comment and written certification (either in the cover letter or in eSubmitter) that, with the exception of the highlighted protocol changes, the text of the protocol found in the resubmission is identical to the text of the initial protocol. Additionally, sponsors should state that they did not make other text changes beyond those highlighted.

If the sponsor submits unrequested information, the reactivation or resubmission may not qualify for shortened review time. When we determine that a reactivation or resubmission does not qualify for shortened review time, we will change the review time to the normal review time<sup>6</sup> and notify the sponsor.<sup>7</sup>

If, after review of the submitted information, we find that a reactivation or resubmission is still incomplete, we issue another incomplete or non-concurrence letter to the sponsor.

Using the same criteria above, we determine if we can offer another shortened reactivation or resubmission review time in the next review cycle. There is no limit on the number of review cycles a reactivation or resubmission may qualify for shortened review time.

If we determine that a reactivation or resubmission does not qualify for shortened review time in the next review cycle, it will be assigned the normal review time (refer to Table 1 for the normal review times).

## **V. ACTIONS ON NADA/INAD SUBMISSIONS AND REACTIVATIONS/RESUBMISSIONS**

The following tables summarize the Appian actions available to reviewers and include the new Final Action Codes for offering shortened review. The actions apply to non-administrative original NADA, non-administrative B1 supplemental NADA, and INAD technical section submissions and protocols. The available actions in the tables below also apply to NADA reactivations and INAD resubmissions.

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<sup>6</sup> Appian User Guide:  
Internal information redacted.

<sup>7</sup> Refer to Table 1 in this P&P for normal review times.

**Table 2. Appian Actions for Non-administrative NADA Applications  
(Submission types: C, A, R, E)**

Appian Action	Description
Refuse to file	Refer to P&P 1243.2050 Refuse to File and Refuse to Review
Application Complete (Approvable)	If we consider the application complete based on the submitted information, we will issue the appropriate approval letter.
Application Incomplete	If we consider the application incomplete based on the submitted information and shortened review upon reactivation is <b>not</b> possible, we will issue an incomplete application letter.
Application Incomplete, Shortened Review Reactivation Offered	<p>If we consider the application incomplete based on the submitted information but a shortened review upon reactivation is possible, we will issue an incomplete application, shortened review offered letter.</p> <p>FINAL ACTION CODE: (INC APP SR) INCOMPLETE APPLICATION; SHORTENED REVIEW REACTIVATION OFFERED; LETTER SENT</p>

**Table 3. Appian Actions for INAD Technical Section Submissions (Submission type code P)**

Appian Action	Description
Refuse to review	If we consider the submission wholly incomplete on its face, we will issue a refuse to review letter within 60 days of receipt.
Technical Section Complete	If we consider the submission acceptable and it completes a technical section based on the submitted information, we will issue a technical section complete letter.
Submitted Information Acceptable, Technical Section Incomplete	If we consider the submitted information acceptable but other aspects of the technical section remain incomplete, we will issue a submitted information acceptable, technical section incomplete letter.
Technical Section Incomplete	If we consider the submitted information unacceptable, the technical section is incomplete, and we do <b>not</b> offer shortened resubmission review. We will issue a technical section incomplete letter.
Technical Section Incomplete, Shortened Review Resubmission Offered	<p>If we consider the technical section incomplete based on the submitted information but a shortened review upon resubmission is possible, we will issue a technical section incomplete, shortened review offered letter.</p> <p>FINAL ACTION CODE:</p> <p>(TS INC SR) TECHNICAL SECTION INCOMPLETE; SUBMITTED INFORMATION NOT ACCEPTABLE; SHORTENED REVIEW RESUBMISSION OFFERED; LETTER SENT</p>

**Table 4. Appian Action for INAD Protocol Submissions (Submission Type Code E)**

<b>Appian Action</b>	<b>Description</b>
Refuse to review	If we consider the submission wholly incomplete on its face, we will issue a refuse to review letter within 60 days of receipt.
Protocol Concurrence	If we can concur on the submitted protocol, we will issue a protocol concurrence letter.
Protocol Non-concurrence	If we cannot concur on the submitted protocol and it does not qualify for shortened review time, we will issue a protocol non-concurrence letter.
Protocol Non-concurrence, Shortened Review Resubmission Offered	If we cannot concur on the submitted protocol but a shortened review upon resubmission is possible, we will issue a protocol non-concurrence, shortened review offered letter.  FINAL ACTION CODE:  (PROT NC SR) PROTOCOL NOT ACCEPTABLE AS SUBMITTED; SHORTENED REVIEW RESUBMISSION OFFERED; LETTER SENT

As stated in Section III of this P&P, the shortened resubmission review process does not apply to stand-alone Human Food Safety – Microbial Food Safety Hazard Characterization technical section (Submission Type Code P) submissions (100-day review clock).

#### **A. Initial Submission – Normal Review Time**

When a sponsor submits the initial submission, STARS will assign the normal review timeframe to the submission. CVM's Electronic Submission System (ESS) will generate a submission receipt advising the sponsor of the CVM due date. This receipt will be sent via the Electronic Submissions Gateway (ESG). The primary reviewer will follow conventional CVM review procedures to review and close out the submission in Appian within the normal review timeframe.<sup>8</sup> Refer to Tables 2, 3, and 4 for the available actions.

<sup>8</sup> Refer to Table 1 in this P&P for review timeframes.

## B. Reactivation or Resubmission

If CVM offered a shortened reactivation or resubmission review time in their incomplete or non-concurrence letter, reviewers should follow the process outlined in Section 1 below. If CVM did not offer shortened reactivation or resubmission review time in their incomplete or non-concurrence letter, reviewers should follow the process outlined in Section 2 below.

1. CVM offered the sponsor shortened review time for their reactivation or resubmission in the incomplete or non-concurrence letter to the initial submission.

- a. Sponsor submits the reactivation or resubmission 'on or after day 121'

If the sponsor submits the reactivation or resubmission 'on or after day 121 of CVM's dated incomplete or non-concurrence letter,' STARS will assign the normal review timeframe to the submission. The sponsor will receive a submission receipt via the ESG advising them of the CVM due date.

The primary reviewer will follow conventional CVM review procedures to review and close out the submission in Appian within the normal review time.

The primary reviewer should refer to Table 2, 3, and 4 for the available final actions on a submission. There is no limit on the number of review cycles that we can offer shortened review time on qualifying reactivations or resubmissions.

- b. Sponsor submits the reactivation or resubmission 'on or before day 120'

If the sponsor submits the reactivation or resubmission 'on or before day 120 of CVM's dated incomplete or non-concurrence letter,' STARS will assign the shortened review timeframe. The sponsor will receive a submission receipt via the ESG advising them of the CVM due date.

If CVM determines at any point during the review, using the criteria in Section IV of this P&P, that the submission does not meet the criteria for shortened review time, we will change the review time to the normal review timeframe.<sup>9</sup>

The primary reviewer should follow the instructions in the Appian User Guide to change the review timeframe using the Review Time Change Appian Workflow.<sup>10</sup> Before changing the review time, the primary reviewer prepares the Review Time Change notification letter to be sent to the

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<sup>9</sup> Refer to Table 1 in this P&P for review timeframes.

<sup>10</sup> Appian User Guide:  
Internal information redacted.



sponsor advising them of the new CVM due date.<sup>11</sup> The primary reviewer will upload the letter in Appian during the Review Time Change Appian Workflow.

The primary reviewer will follow conventional CVM review procedures to review and close out the submission in Appian either within the shortened review time or normal review time.

2. CVM did not offer the sponsor shortened review time in their incomplete or non-concurrence letter.

When a sponsor submits the reactivation or resubmission, STARS will assign the normal review timeframe to the submission. The sponsor will receive a submission receipt via the ESG advising them of the CVM due date.

The primary reviewer will follow conventional CVM review procedures to review and close out the submission in Appian within the normal review timeframe.<sup>12</sup> Refer to Table 2, 3, and 4 for the available final actions.

#### **C. Reset the Clock on a Reactivation or Resubmission**

If we receive an amendment with new or unrequested information during a shortened review timeframe, we may reset the clock on that reactivation or resubmission.<sup>13</sup> CVM will base the new due date for the reactivation or resubmission upon the receipt date of the amendment. After we reset the clock, we will review the reactivation or resubmission in the normal review timeframe (refer to Table 1 for review times).

#### **D. INAD Phased Review Process - Impact of Last Pending Technical Section Submission (Submission Type Code P)**

During the end game<sup>14</sup>, the 'last technical section submission' (frequently referred to as the last P) under review is the technical section submission with the latest CVM due date, regardless of its review time; the last technical section can have a 180-day, 100-day, or 60-day review time. The most recently submitted technical section may not be necessarily the last P. The project manager maintains a detailed project timeline to help determine the last P within a project.

1. Initial Submission - Normal 180-day review time

The due dates for the Labeling and All Other Information (AOI) technical section submissions (referred to as minor technical sections<sup>15</sup>; submission

<sup>11</sup> Letter template is located on the ONADE Template SharePoint site:  
Internal information redacted.

<sup>12</sup> Refer to Table 1 in this P&P for review timeframes.

<sup>13</sup> See P&P 1243.3026 Amending and Resetting the Clock on STARS Submissions

<sup>14</sup> See P&P 1243.3051 Verifying Scope and Technical Section Status for Phased Review in the End Game

<sup>15</sup> See P&P 1243.4080 Labeling and All Other Information Technical Sections (Minor Technical Section) and P&P 1243.4085 All Other Information

type code M) and the Freedom of Information (FOI) Summary<sup>16</sup> (submission type code Q) assume the due date of the last pending technical section submission (submission type code P). The project manager reminds the sponsor to submit the minor technical sections no later than 80 days into the review of the last technical section. The review time for the minor technical sections is usually around 100 days, but it can be longer or shorter depending on when the sponsor submits the Labeling and AOI technical sections. If the sponsor is late in submitting the minor technical sections, the primary reviewer, team leader, and project manager will assign an appropriate due date that may not be reflected in STARS but is communicated to the sponsor.

The project manager looks at the pending P submissions and ensures that any pending M submission references the 'last P' submission. The FOI Summary Q should be created when the minor technical sections arrive.

If we incomplete one or more of the pending P submissions, we will continue a thorough review of the minor technical section commensurate with the information available at that time and include our review findings in the Labeling and AOI technical section incomplete letters.

**EXAMPLE:** The Chemistry, Manufacturing, and Controls (CMC) technical section is the last pending technical section submission. The M submissions (FOI and AOI) are submitted and given the same due date as the CMC P submission. All other technical sections, including Effectiveness and Target Animal Safety, are complete. The Division of Manufacturing Technologies notifies the target animal reviewer that it will incomplete the CMC submission. The target animal reviewer continues the review of the minor technical sections, allowing time for the primary and consulting reviews (such as the Office of Surveillance and Compliance). The target animal reviewer will include CVM's comments in the Labeling and AOI technical section incomplete letters. The target animal reviewer should indicate in the Labeling incomplete letter that CVM might make additional changes to the labeling when the labeling is reviewed as a whole. The reviewer will instruct the sponsor to incorporate our comments before resubmitting the minor technical sections in the next review cycle.

If there is an open Q submission for the FOI Summary, the primary reviewer will complete the Q commensurate with the information available to permit more efficient preparation of the FOI Summary later and follow the procedures in P&P 1243.5761.

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<sup>16</sup> See P&P 1243.5761 and 5762 on Freedom of Information Summaries

## 2. Resubmission - Shortened 60-day review time (Last P)

The due dates for the minor technical section submissions and the FOI Summary Q assume the due date of the last pending technical section submission (submission type code P). The project manager will remind the sponsor, prior to the resubmission of the last P, to resubmit the minor technical sections at the same time as the last P submission. If the sponsor submits the minor technical sections late, the primary reviewer, team leader, and project manager will assign an appropriate due date that may not be reflected in STARS but is communicated to the sponsor. The project manager will look at the pending P submissions and ensure that any pending M submission references the 'last P' submission. The FOI Summary Q should be created when the last P submission arrives to ensure that reviewers have at least 60 days to write the FOI Summary.


## VI. REFERENCES

ADUFA III Goals Letter

<https://www.fda.gov/media/85724/download>

Appian User Guide:

Internal information redacted.



CVM Program Policies and Procedure Manual

1243.2050 Refuse to File and Refuse to Review

1234.3024 Scheduling and Holding Meetings with Outside Parties

1243.3026 Amending and Resetting the Clock on STARS Submissions

1243.3051 Verifying Scope and Technical Status for Phased Review ([J]INAD) in the End Game

1243.4080 Labeling and All Other Information Technical Sections (Minor Technical Section or M Submissions)

1243.4085 All Other Information

1243.5761 Freedom of Information (FOI) Summary for Original and Supplemental New Animal Drug Applications (NADA)

1243.5762 Freedom of Information (FOI) Summary for ADAA Feed Combination New Animal Drug Application

## VII. VERSION HISTORY

October 1, 2014 – Original version.

March 15, 2017 – Reformatted to current format for P&Ps and corrected broken link to ONADE Template page in SharePoint

March 07, 2019 – Updated to include a link to the ADUFA III goals letter, include language about shortened review timeframe certifications that will be included in cover letters and eSubmitter, referenced end game information. Information on the Appian workflow was removed from the body of the P&P and the Appian User Guide included in the references. Updated references in the reference sections and other minor edits and corrections for clarity.

July 16, 2019 – Updated FDA.gov URL links to new directed links due to migration of new FDA.gov Website. No other updates needed.

**APPENDIX 1 –CRITERIA FOR SHORTENED REACTIVATION/RESUBMISSION REVIEW TIMES**

CVM uses the below criteria to determine if an application or submission qualifies for shortened reactivation or resubmission timeframe.

1. The sponsor submits the initial NADA or INAD submission on or after October 1, 2014, using the eSubmitter electronic submission tool.
2. CVM offered a shortened reactivation or resubmission review time in their incomplete or non-concurrence letter.
3. The sponsor submits the NADA reactivation or INAD resubmission using eSubmitter within 120 days of CVM's incomplete or non-concurrence letter.
4. The sponsor only includes information that adequately addresses the comments and deficiencies stated in the initial incomplete or non-concurrence letter.
5. The sponsor certifies that no additional information beyond the scope of addressing the comments/deficiencies was included in the NADA reactivation or INAD resubmission.
6. The sponsor highlights changes within the text of the protocol.
7. The sponsor provides a written response to each CVM comment and written certification that, with the exception of the highlighted protocol changes, the text of the protocol found in the resubmission is identical to the text of the initial protocol.