United States Food and Drug Administration
Request for Samples and Protocols

OMB Control No. 0910-0206

SUPPORTING STATEMENT **Part A: Justification**

1. Circumstances Making the Collection of Information Necessary

This information collection supports Food and Drug Administration (FDA, us or we) regulations. Under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262), 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 biologics licenses for such products are only issued when a product meets the prescribed standards. Under 21 CFR 610.2, FDA's Centers for Biologics Evaluation and Research (CBER) and Drug Evaluation and Research (CDER) 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 distributing the lot of the product. In addition to 21 CFR 610.2, other regulations also require the submission of samples and protocols for specific licensed biological products; specifically 21 CFR 660.6 – *Antibody to Hepatitis B Surface Antigen*; 21 CFR 660.36 – *Reagent Red Blood Cells*; and 21 CFR 660.46 – *Hepatitis B Surface Antigen*.

Accordingly, we request extension of OMB approval for the information collection provisions associated with the applicable regulations and discussed in this supporting statement.

2. Purpose and Use of the Information Collection

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. In cases of certain biological products (e.g., Albumin, Plasma Protein Fraction, and therapeutic 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. The written protocols are reviewed by FDA scientists and other staff with expertise in the appropriate product and scientific area. FDA tests samples to verify the manufacturer's test results. A manufacturer may not distribute a product until FDA gives the official release for the lot.

3. Use of Improved Information Technology and Burden Reduction

One of FDA's continuing objectives is to improve the speed and quality of its review and approval programs. FDA accepts electronic lot release protocols and has issued guidance to assist manufacturers in this area. FDA believes that 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.

We are not aware of any other improved technology to reduce the burden. We continue to pursue methods of applying technology to reduce the burden to the respondents of the information collection.

4. Efforts to Identify Duplication and Use of Similar Information

We are unaware of duplicative information collection. Regulations applicable the submission of samples and protocols for biological products for the purposes of lot release surveillance, licensing, or export is the responsibility of FDA.

5. Impact on Small Businesses or Other Small Entities

There are no exemptions to the regulatory requirements, however we do not believe this imposes undue burden on small entities. Although the statutory and regulatory requirements apply equally to all enterprises, CBER's Office of Communication, Outreach, and Development, Division of Manufacturer's Assistance and Training, and CDER's Office of Communication, Division of Drug Information and International and Consumer Assistance provide assistance to small businesses subject to FDA's regulatory requirements.

6. Consequences of Collecting the Information Less Frequently

The information collection schedule is consistent with applicable statutory and regulatory requirements and enables us to properly evaluate results of specific tests identified for lot release review in the license application. Less frequent collection may pose unnecessary risk to the public health. We are unware of any technical or legal obstacles to reducing the burden.

7. Special Circumstances Relating to the Guidelines 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 protects confidential information received from manufacturers to the extent permitted by law. In addition, the frequency of submissions may be more often than quarterly depending on 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), we published a 60-day notice in the Federal Register on May 11, 2018 (83 FR 22081), soliciting public comment on the information collection provisions. No comments were received.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift is provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

The confidentiality of information received by FDA is consistent with the Freedom of Information

Act (FOIA) and FDA's published regulations under "Public Information" (21 CFR Part 20).

11. Justification for Sensitive Questions

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

12. Estimates of Annualized Burden Hours and Costs

12a. Annualized Hour Burden Estimate

The total annual estimated burden for this collection of information is 19,456 hours.

Table 1 -- Estimated Annual Reporting Burden[1]

21 CFR Section	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Avg. Burden per Response	Total Hours
610.2; Requests for samples and protocols; official release.	75	86.267	6,470	3	19,410
660.6; Samples; protocols; official release.	2	3.5	7	5	35
660.36; Samples and protocols.	1	1	1	6	6
660.46; Samples; protocols; official release.	1	1	1	5	5
Total	79		6,479		19,456

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate is for burden attributable to protocols required to be submitted with each sample. The samples are not defined as information collection under 5 CFR 1320.3(h)(2). Respondents to the collection of information under 21 CFR 610.2 are manufacturers of licensed biological products. Respondents to the collection of information under 21 CFR 660.6(b), 660.36(a)(2) and (b), and 660.46(b) are manufacturers of the specific products under these regulations. 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. Based on information recorded in our databases, approximately 79 manufacturers submitted samples and protocols in fiscal year (FY) 2017 under the regulations cited above. We estimate that 75 manufacturers submitted protocols under § 610.2, and 2 manufacturers submitted protocols under the regulation (§ 660.6) for the specific product. No submissions have been received under 21 CFR 660.36 and 660.46, however we retain a placeholder of one in the event of future submissions.

The estimated number of annual responses is based on FDA's final actions completed in FY 2017 for the various submission requirements of samples and protocols for licensed biological products. The average burden per response is based on informal communications with industry. The burden

estimates provided by industry ranged from 1 to 5.5 hours. Under 21 CFR 610.2, the average burden per response is based on the average of these estimates and rounded to 3 hours. Under the remaining regulations, the average burden per response is 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 other protocols than under § 610.2.

12b. Annualized Cost Burden Estimate

The estimated annual cost to respondents is $1,381,376.00.

Activity	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Reporting	19,456	$71	$1,381,376

The cost estimate is based on an average pay rate of $71.00/hour. This average is based on the salaries of an upper-level manager, a mid-level professional, and clerical support that may be involved in the preparation and submission of the protocol.

13. Estimates of Other Total Annual Costs to Respondents and/or Recordkeepers/ Capital Costs

There are no capital, operating or maintenance costs associated with this collection of information.

14. Annualized Cost to Federal Government

The estimated annualized cost to FDA is $1,010,724.00. The review of each protocol by FDA involves six persons, at an average pay rate of $52.00/hour, who spend approximately 3 hours per protocol. The estimate is based on FDA's final actions completed in FY 2017, which totaled 6,479. This estimate does not include the time related to the testing of samples, because the submission of samples is not a collection of information as defined under the PRA.

Activity	Number of Reviews	Review Time	Average Cost per Hour	Total Cost
Protocol Review	6,479	3 hrs.	$52	$1,010,724

15. Explanation for Program Changes or Adjustments

The information collection reflects adjustments. Specifically we have increased the number of annual responses by 262 consistent with submissions received by FDA. This results in a correspondeing increase to the number of annual burden hours by 764. We attribute the adjustment to an increase in the number of submissions received over the last few years.

16. Plans for Tabulation and Publication and Project Time Schedule

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

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

FDA will display the OMB expiration date as required by 5 CFR 1320.5

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.