

document is immediately in effect, it remains subject to comment in accordance with FDA's GGP regulation and FDA will consider all comments received and revise the guidance document as appropriate (§ 10.115(g)(3)).

On November 8, 1990, we issued an interim rule that amended, in relevant part, part 320 (21 CFR 320) by adding a requirement to retain reserve samples of drug products (that is, samples of the drug products that were used to conduct BA or BE studies) for a specified period and, when specifically requested, to release the reserve samples to us. The interim rule was intended to help ensure BE between generic drugs and their reference listed drugs and to help us investigate possible fraud in BA and BE testing. After consideration of public comments, we published a final rule in the **Federal Register** on April 28, 1993 (58 FR 25918).

In the final rule, 21 CFR 320.38 and 320.63 require a new drug application or abbreviated new drug application applicant (or its CRO) to retain reserve samples of the test article and reference standard that were used in conducting any in vivo BA and in vivo or in vitro BE study that supports the approval of an application or supplemental application. Specifically, § 320.38(c) requires these applicants (or their CROs) to retain a quantity of the test article and reference standard that were used in BA or BE testing that is at least five times the amount of product required for release testing.

Section 320.38(c) requires that reserve samples of the test article and reference standard used in a BA or BE study are of a sufficient quantity to perform five times all of the release tests required in the application or supplemental application. Since the final rule was issued in 1993, technological advances in our ability to test these products have led to test methods that are less destructive and more sensitive, allowing us to detect the identity and composition of the test article and reference standard with smaller volumes of samples. Consistent with these developments, FDA has received communications from applicants and CROs requesting to retain a lower quantity of the reserve samples.

In light of these technological advances, this guidance discusses the conditions under which we do not generally intend to take regulatory action against an applicant or CRO that retains an appropriate reduced quantity of reserve samples of the test article and reference standard that were used in its BA or BE testing.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Compliance Policy for the Quantity of Bioavailability and Bioequivalence Samples Retained Under 21 CFR 320.38(c)." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

## II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively. The collections of information in part 320 for "Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans" have been approved under OMB control number 0910–0672. The recordkeeping requirement for CGMP sample retention in 21 CFR 211.170 has been approved under OMB control number 0910–0139.

## III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs> or <https://www.regulations.gov>. Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: August 10, 2020.

**Lowell J. Schiller,**

*Principal Associate Commissioner for Policy.*

[FR Doc. 2020–17798 Filed 8–18–20; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Findings of Research Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Findings of research misconduct have been made against Anil K. Jaiswal, Ph.D. (Respondent),

former professor, Department of Pharmacology, University of Maryland at Baltimore, School of Medicine (UMB). Dr. Jaiswal engaged in research misconduct in research supported by U.S. Public Health Service (PHS) funds, specifically National Cancer Institute (NCI), National Institutes of Health (NIH), grants R01 CA062483 and R01 CA081057; National Institute of Environmental Health Sciences (NIEHS), NIH, grants R01 ES007943, R01 ES012265, and R01 ES021483; and National Institute of General Medical Sciences (NIGMS), NIH, grant R01 GM047466. The administrative actions, including debarment for a period of three (3) years, were implemented beginning on July 21, 2020, and are detailed below.

### FOR FURTHER INFORMATION CONTACT:

Elisabeth A. Handley, Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 240, Rockville, MD 20852, (240) 453–8200.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

*Anil K. Jaiswal, Ph.D., University of Maryland at Baltimore, School of Medicine:* Based on an investigation conducted by UMB and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Anil K. Jaiswal, former professor, Department of Pharmacology, UMB, engaged in research misconduct in research supported by PHS funds, specifically NCI, NIH, grants R01 CA062483 and R01 CA081057; NIEHS, NIH, grants R01 ES007943, R01 ES012265, and R01 ES021483; and NIGMS, NIH, grant R01 GM047466. ORI found that Respondent intentionally, knowingly, or recklessly: (a) Used random blank background sections of film or empty boxes to falsely represent or fabricate western blot analyses; (b) used manipulated images to generate and report falsified data in figures; and (c) used mislabeled images to falsely report data in figures. Respondent's research misconduct occurred in the following four (4) funded PHS grant applications, four (4) unfunded PHS grant applications, and six (6) PHS-supported published papers:

- NCI, NIH grant application R01 CA081057–11, Mechanisms of Bioreductive Drugs Activation (unfunded)
- NIEHS, NIH grant application R01 ES007943–10, Prevention of Quinone Toxicity and Mutagenicity (funded).
- NIEHS, NIH grant application R01 ES007943–15, Prevention of Quinone Toxicity and Mutagenicity (unfunded).

- NIEHS, NIH grant application R01 ES007943–15A1, Prevention of Quinone Toxicity and Mutagenicity (funded).

- NIEHS, NIH grant application R01 ES012265–07, Role and Regulation of INrf2 (funded).

- NIEHS, NIH grant application R01 ES021483–01, Quinone Oxidoreductases and Mammary Toxicity/Carcinogenicity (unfunded).

- NIGMS, NIH grant application R01 GM047466–20, Regulation of NAD(P)H:Quinone Oxidoreductases (unfunded).

- NIGMS, NIH grant application R01 GM047466–20A1, Regulation of NAD(P)H:Quinone Oxidoreductases (funded).

- Overlapping signal sequences control nuclear localization and endoplasmic reticulum retention of GRP58. *Biochem Biophys Res Commun.* 2008 Dec 12;377(2):407–12 (hereafter referred to as “BBRC 2008”). Retraction in: *Biochem Biophys Res Commun.* 2018 Jun 27; 501(3):826.

- Disruption of the NAD(P)H:quinone oxidoreductase 1 (NQO1) gene in mice causes myelogenous hyperplasia. *Cancer Res* 2002 Jun 1;62(11):3030–6 (hereafter referred to as “Cancer Res 2002”). Retraction in: *Cancer Res* 2018 Nov 15;78(22):6526.

- Deficiency of NRH:quinone oxidoreductase 2 increases susceptibility to 7,12-dimethylbenz(a)anthracene and benzo(a)pyrene-induced skin carcinogenesis. *Cancer Res* 2004 Sep 1;64(17):5925–8 (hereafter referred to as “Cancer Res 2004”).

- Nuclear import and export signals in control of Nrf2. *J Biol Chem.* 2005 Aug 12;280(32):29158–68; Epub 2005 May 17 (hereafter referred to as “JBC 2005”). Retraction in: *J Biol Chem.* 2017 Feb 3;292(5):2052.

- Quinone oxidoreductases in protection against myelogenous hyperplasia and benzene toxicity. *Chem Biol Interact.* 2005 May 30;153–154:147–57 (hereafter referred to as “Chem Biol Interact. 2005”).

- Low and high dose UVB regulation of transcription factor NF-E2-related factor 2. *Cancer Res* 2006 Sep 1;66(17):8421–9 (hereafter referred to as “Cancer Res 2006”). Retraction in: *Cancer Res* 2018 Nov 1;78(21):6346.

Specifically, ORI found by a preponderance of the evidence that Respondent engaged in research misconduct by intentionally, knowingly, or recklessly:

- Using a random blank background section of a film for PHS grant application R01 CA081057–11, Figure 8D (top panel), to falsely report that human kidney carcinoma 293

expressing vector (293–V) did not express the Flag-Nrf2 protein, regardless of treatment condition (control, tetracycline, tetracycline + tert-butyl hydroquinone).

- using a random blank background section of a film for PHS grant application R01 CA081057–11, Figure 9B (right-side, top panel), to falsely report that human kidney carcinoma 293 expressing vector (293–V) did not express the Flag-Nrf2 protein, regardless of treatment condition (control, etoposide, tetracycline + etoposide, tetracycline + tert-butyl hydroquinone + etoposide).

- using empty boxes drawn in PowerPoint in PHS grant application R01 GM047466–20A1, Figure 5 (left-side, third and fourth LDH panels), to falsify or fabricate the absence of LDH protein expression in human fibroblast and mouse skin keratinocytes when exposed to 0 to 20 J/m<sup>2</sup> UVB.

- using empty boxes drawn in PowerPoint in *Cancer Res* 2006, Figures 2A (middle panel on left; and lower panel on right) and 2D (lower panel), to falsely show that there was an absence of Lamin B and LDH protein expression.

- using a manipulated image in which the background was digitally added to falsely show the expression of p53, in wild type and NQO2<sup>-/-</sup> mice skin exposed to acetone, 800 nmol of benzo(a)pyrene (“BP800”) or 1600 nmol of benzo(a)pyrene (“BP1600”) dissolved in acetone in PHS grant application R01 ES007943–10, Figure 10 (right side, top panel); in PHS grant application R01 ES007943–15, Figure 4C (top panel); and in *Cancer Res* 2004, Figure 2 (top panel).

- using an image that had been cropped, vertically stretched, and horizontally flipped to falsely show that wild-type mouse keratinocytes that express NQO1 were used in PHS grant application R01 ES007943–15, Figure 9A (seventh panel on left), and PHS grant application R01 ES007943–15A1, Figure 6A (seventh panel on the left).

- using an image that masked bands in BBRC 2008, Figures 1D (top panel on left) and 1E (bottom panel on left), to falsely report figures, which showed: —That in HCT116 cells transfected with NLS deficient GRP58DNLS–V5, the nuclear localization of GRP58 is completely abrogated when in fact the contrast was changed to conceal the expression

- the effect of putative NLS sequence on nuclear localization of GRP58 in HCT116 cells transfected with pcDNA–V5 plasmids for GRP58–WT or GRP58–NLS K–A mutant when in fact blots showing the control

condition, Lamin B, were concealed by changing the contrast

- using an image that had been horizontally flipped and stretched, with contrast enhanced to falsify Cyp1A1 data in BBRC 2008, Figure 4A (bottom panel on left), to falsely report a figure that showed HCT116 cells transfected with pcDNA–GRP58–WT–V5 or pcDNA–GRP58–ΔER–V5 showed increased expression in the endoplasmic reticulum when the original data showed increased expression in the cytosolic fraction.

- using a vertically flipped image in BBRC 2008, Figure 4B (top panel), to falsely report a figure that showed HCT116 cells transfected with GRP58 NLS/ER DD (combined deletion of NLS and ER regions) is not expressed in the endoplasmic reticulum or the nuclear fraction but only in the cytosolic fraction.

- using a manipulated image in which the contrast and brightness had been enhanced in JBC 2005, Figure 4B, to falsely report a figure that showed reduced protein expression of LDH and Lamin B.

- using the image in Figure 9 (top right) in PHS grant application R01 ES012265–07 to falsely represent reverse immunoprecipitation of Hepa-1 cell extract with anti-INrf2 and anti-PGAM5L antibodies and reusing the same image, after being flipped horizontally, in Figure 12 (top right) of the same application to falsely represent the same experiment as with anti-Flag and pICln antibodies.

- falsifying reported results in Figure 9 (upper panel) in PHS grant application R01 ES021483–01 as representing *in vitro* translation of two proteins (BRCA1 and NQO1), showing that NQO1 stabilizes BRCA1 against 20S proteasomal degradation, by falsely using bands labeled NQO1 from a cell lysate experiment on the original film, flipping them horizontally, enhancing the contrast to obscure one band (BRCA1+20S), and falsely relabeling the resulting panel as BRCA1.

- using bands labeled as β-actin from a cell lysate experiment on the original film, cutting out two of the bands, falsely labeling them as having been incubated with 20S + NQO1 or 20S + NQO1 + NADH, and falsely relabeling the resulting panel as NQO1 in PHS grant application R01 ES021483–01, Figure 9 (lower panel).

- using a sample with a molecular weight of 80–85kD to falsely represent P-Akt-Thr308, which should have a molecular weight of 60kD, in PHS grant applications R01 GM047466–20 and R01 GM047466–20A1, Figure 4 (first panel).

- using samples appearing in two different films, one labeled as PP2A (with a molecular weight of 75kD) and the other labeled as Akt S473 to falsely represent PP2A (with a molecular weight of 35kD) in PHS grant applications R01 GM047466–20 and R01 GM047466–20A1, Figure 4 (sixth panel).

- using protein bands from a film dated 8/25/2000 showing the expression of NQO1 in wild-type mouse liver and bone marrow to falsely represent a figure labeled instead as the expression of NQO1 in the bone marrow of wild type and NQO1 heterozygous mice in *Cancer Res* 2002, Figure 1A, and *Chem Biol Interact.* 2005, Figure 2B.

- using a single blot of protein bands to falsely represent western blots exhibiting the expression of three different proteins (p53, p73, and tubulin) in *Cancer Res* 2002, Figure 7A.

Dr. Jaiswal entered into a Voluntary Exclusion Agreement (Agreement) and agreed to the following:

(1) Respondent agreed to exclude himself voluntarily for a period of three (3) years beginning on July 21, 2020, from any contracting or subcontracting with any agency of the United States Government and from eligibility for or involvement in nonprocurement programs of the United States Government referred to as “covered transactions” pursuant to HHS’s Implementation (2 CFR part 376) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the “Debarment Regulations”);

(2) Respondent agreed to exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years, beginning on July 21, 2020; and

(3) as a condition of the Agreement, Respondent will request that the following papers be corrected or retracted in accordance with 42 CFR 93.407(a)(1) and 93.411(b):

- *Cancer Res* 2004 Sep 1;64(17):5925–8
- *Chem Biol Interact.* 2005 May 30;153–154:147–57

Respondent will copy ORI and the Research Integrity Officer at UMB on the correspondence.

Dated: August 14, 2020.

**Elisabeth A. Handley,**

*Director, Office of Research Integrity, Office of the Assistant Secretary for Health.*

[FR Doc. 2020–18137 Filed 8–18–20; 8:45 am]

BILLING CODE 4150–31–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–6: Research Answers to NCI Provocative Questions.

*Date:* September 28, 2020.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W124, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Eun Ah Cho, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W124, Rockville, MD 20850, 240–276–6342, [choe@mail.nih.gov](mailto:choe@mail.nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–2: Research Answers to NCI Provocative Questions.

*Date:* September 28, 2020.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* David G. Ransom, Ph.D., Chief, Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, MD 20850, 240–276–6351, [david.ransom@nih.gov](mailto:david.ransom@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Research Projects in Cancer Systems Biology.

*Date:* October 9, 2020.

*Time:* 10:30 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850, 240–276–7755, [byeong-chel.lee@nih.gov](mailto:byeong-chel.lee@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–9: NCI Clinical and Translational R21 and Omnibus R03 Review.

*Date:* October 15, 2020

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, 240–276–7684, [saejeong.kim@nih.gov](mailto:saejeong.kim@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Biospecimen Science Technologies for Basic and Clinical Cancer Research.

*Date:* October 20, 2020.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* David G. Ransom, Ph.D., Chief, Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, MD 20850, 240–276–6351, [david.ransom@nih.gov](mailto:david.ransom@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–9: Research Answers to NCI Provocative Questions.

*Date:* October 27, 2020.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W116, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Klaus B. Piontek, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W116, Rockville, MD 20850, 240–276–5413, [klaus.piontek@nih.gov](mailto:klaus.piontek@nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; SEP–10: NCI Clinical and Translational R21 and Omnibus R03 Review.

*Date:* October 28, 2020.

*Time:* 9:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).