

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

[Docket No. FDA-2010-D-0636]

### Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection of Antibodies to *Borrelia burgdorferi*; Guidance for Industry and Food and Drug Administration Staff; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled "Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection of Antibodies to *Borrelia burgdorferi*." FDA is issuing this guidance to provide industry and Agency staff with recommendations for studies to establish the analytical and clinical performance of in vitro diagnostic devices (IVDs) intended for the detection of antibodies to *B. burgdorferi*. These devices are used to aid in the diagnosis of Lyme disease.

**DATES:** Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance document entitled "Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection of Antibodies to *Borrelia burgdorferi*" to the Division of Small Manufacturers, International and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301-847-8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Prasad Rao, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 66, Rm. 5508, Silver Spring, MD 20993, 301-796-6203.

## SUPPLEMENTARY INFORMATION:

### I. Background

This guidance recommends studies for establishing the performance characteristics of in vitro diagnostic devices for the detection of antibodies to *B. burgdorferi* in human serum, plasma, and blood. These devices are used to aid in the diagnosis of Lyme disease. This document does not apply to *B. burgdorferi* nucleic acid amplification assays. A manufacturer who intends to market an in vitro device for the detection of antibodies to *B. burgdorferi* must conform to the general controls of the Federal Food, Drug, and Cosmetic Act and, unless exempt, obtain premarket clearance or approval prior to marketing the device.

The draft guidance was announced in the **Federal Register** of January 5, 2011 (76 FR 570), and the comment period closed on April 5, 2011. No comments were received during the comment period.

### II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on establishing the performance characteristics of in vitro diagnostic devices for the detection of antibodies to *B. burgdorferi*. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

### III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. Guidance documents are also available at <http://www.regulations.gov>. To receive "Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection of Antibodies to *Borrelia burgdorferi*," you may either send an email request to [dsmica@fda.hhs.gov](mailto:dsmica@fda.hhs.gov) to receive an electronic copy of the document or send a fax request to 301-847-8149 to receive a hard copy. Please use the document number 1721 to identify the guidance you are requesting.

## IV. 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. 3501-3520). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910-0120; the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910-0485; the collections of information in 21 CFR part 812 have been approved under OMB control number 0910-0078; the collections of information in 42 CFR 493.15 have been approved under OMB control number 0910-0598; the collections of information 21 CFR 50.23 have been approved under OMB control number 0910-0586; and the collections of information in 21 CFR 56.115 have been approved under OMB control number 0910-0130.

## V. Comments

Interested persons may submit either electronic comments regarding this document to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: March 22, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

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**BILLING CODE 4160-01-P**

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Health Resources and Services Administration

### Agency Information Collection Activities; Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104-13), the Health Resources