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November 5, 2001

SUITABILITY PETITION

Dockets Management Branch
Food and Drug Administration (HFA-305)
12420 Parklawn Drive (Room 1-23)
Rockville, MD 20857

RE: Suitability Petition

Dear Sir/Madam:

Enclosed are four copies of a suitability petition we are filing on behalf of Atley Pharmaceuticals, Inc., Ashland, VA 23005. The petition requests the Commissioner to permit Atley to file an abbreviated new drug application (ANDA) for a tableted product containing hydrocodone bitartrate and acetaminophen at strengths different from the RLD drugs as defined in the attached petition.

Sincerely,

Paul W. Carr

Paul W. Carr, P.E., R.A.C.
Regulatory Consultant

cc: Atley Pharmaceuticals, Inc.

PWC:pbh

01P-0521

CP1

SUITABILITY PETITION

Petition Filed By:

Atley Pharmaceuticals, Inc. (Atley)
14433 N. Washington Highway
Ashland, VA 23005

Proposed Products:

Oral Tablet Dosage Forms Containing
10 mg hydrocodone bitartrate/250 mg acetaminophen
7.5 mg hydrocodone bitartrate/250 mg acetaminophen

TABLE OF CONTENTS

SUITABILITY PETITION

The undersigned submits this Suitability Petition under Section 505 of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 355(j)(2)(C), which authority has been delegated to the Commissioner of Food and Drugs under 21 CFR §5.10. Petitioner requests the Commissioner of Food and Drugs to make a determination that the drug products hereinafter described are suitable for consideration under an abbreviated new drug application (ANDA).

A. Action Requested

Atley requests a determination that a drug product containing 250 mg acetaminophen, 10 mg hydrocodone bitartrate and a drug product containing 250 mg acetaminophen, 7.5 mg hydrocodone bitartrate in tablet form for oral administration is suitable for evaluation under an ANDA.

We also request the Food and Drug Commissioner to grant a waiver from the requirements of a pediatric study for a change in dosage form on the basis that this combination of active ingredients is currently approved by the Food and Drug Administration at several strength combination, all for the same disease conditions, but allows the physician to properly prescribe the appropriate strength depending on the severity of the condition. We understand the agency's desire to seek information regarding the use of this drug in various pediatric populations. However, in this case the product labeling already includes approved uses and dosing instructions for the most significant patient population. We propose that the concept of a standardized dosage adjustment for safety or efficacy, which is the usual goal of pediatric studies, is not relevant to this drug. In accordance with 21 CFR 314.55(c) the Commissioner may grant full or partial waiver of the study requirements on his own initiative **or** at the request of the applicant.

B. Statement of Grounds

The FFDCA allows an ANDA applicant to petition FDA for permission to file an ANDA for a drug product whose strength differs from that of the listed drug. See 21 U.S.C. §355(j)(2)(C); 57 Fed. Reg. 17950-17952(1992).

In the case of the proposed products there are several reference listed drug (RLD) products for tablets published in, "*Approved Drug Products with Therapeutic Equivalence Evaluations,*" (The Orange Book) covering strengths of acetaminophen from 325 mg to 750 mg along with hydrocodone bitartrate strengths from 2.5 mg to 10 mg (Attachment 1). We have also attached a table listing products similar to the proposed products that have been approved or for which suitability petitions have been accepted (Attachment 2)

The proposed products are similar to the reference (RLD) products in that the proposed products contain acetaminophen and hydrocodone in combination as a proven analgesic.

The legal basis under which this application proceeds is as promulgated in the FFDCA, noted above, which allows the Commissioner to accept a generic drug application for a drug which differs in dosage strengths from the pioneer or reference drug product. The petitioner is not aware of any information that would be unfavorable to the granting of the requested action.

C. Environmental Impact

Atley hereby requests a categorical exclusion from the requirement of preparing an environmental assessment. As provided in 21 CFR 25.31, neither an environmental assessment nor an environmental impact statement is required. To the best of the petitioner's knowledge, no extraordinary circumstances exist that may significantly affect the human environment as discussed under 21 CFR 25.21.

D. Economic Impact

As provided in 21 CFR 10.30(b), economic impact information is to be submitted only when requested by the Commissioner following review of the petition.

E. Identification of RLD

Atley is attaching labeling for the RLD product to which they are comparing the proposed drugs. These products are as follows:

Application No.	Name of Drug	Company
040148	Norco®	Watson Pharma, Inc.
040248	Hydrocodone Bitartrate and Acetaminophen 7.5/325	Watson Pharma, Inc.

F. Labeling

Attachment 3 provides copies of the proposed generic product labeling and Attachment 4 provides copies of the reference drug labeling. [Please note: Atley is still in the process of finalizing the design of the product container label. We have included several styles in Attachment 3, but the text will remain the same.]

Following is a description of the differences between the proposed generic product labeling and the RLD package inserts.

PACKAGE INSERT

1. Add "Rx Only" to the beginning of the text
2. Replaced "Norco® Tablets" trade name with the Atley trade name of "Prolor 10/250" or "Prolor 7.5/250."
3. Removed "National PharmaPak Services, Inc., Zanesville, OH 43701."

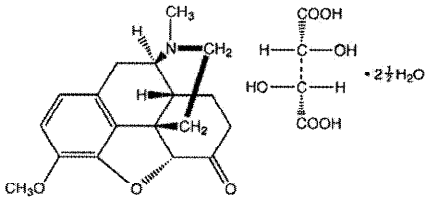
- **Description**
  - A. Replaced the trade name Norco® with "Prolor 10/250" or "Prolor 7.5/250"
  - B. Change the descriptive text as follows:
  - C. Please note for the following review only the Prolor 10/250 trade name will be used, but the same text, etc., will apply to the Prolor 7.5/250.

FROM:

DESCRIPTION

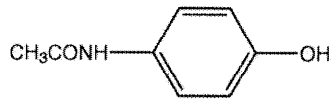
NORCO® (Hydrocodone bitartrate and acetaminophen) is supplied in tablet form for oral administration.

Hydrocodone bitartrate is an opioid analgesic and antitussive and occurs as fine, white crystals or as a crystalline powder. It is affected by light. The chemical name is 4, 5α-epoxy-3-methoxy-17-methylmorphinan-6-one tartrate (1:1) hydrate (2:5). It has the following structural formula:



$C_{18}H_{21}NO_3 \cdot C_4H_6O_6 \cdot 2\frac{1}{2}\ H_2O$ MW = 494.50

Acetaminophen, 4'-hydroxyacetanilide, slightly bitter, white, odorless, crystalline powder, is a non-opiate, non-salicylate analgesic and antipyretic. It has the following structural formula:



$C_8H_9NO_2$ MW = 151.17

Each NORCO® tablet contains:

Hydrocodone Bitartrate 10 mg (or 7.5 mg)
(**WARNING**: May be habit forming)

Acetaminophen 325 mg

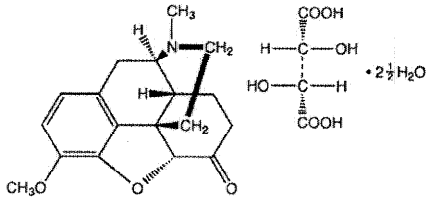
In addition, each tablet contains the following inactive ingredients: croscarmellose sodium, crospovidone, magnesium stearate, microcrystalline cellulose, pregelatinized starch, povidone and stearic acid; the 7.5 mg/325 mg tablets include FD&C Yellow #6 Aluminum Lake, the 10 mg/325 mg tablets include D&C Yellow #10 Aluminum Lake.

TO THE FOLLOWING:

DESCRIPTION

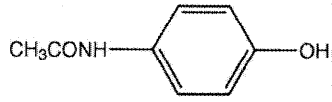
Prolor 10/250 [or 7.5/250] (Hydrocodone bitartrate and acetaminophen) is supplied in tablet form for oral administration.

Hydrocodone bitartrate is an opioid analgesic and antitussive and occurs as fine, white crystals or as a crystalline powder. It is affected by light. The chemical name is 4,5(alpha)-Epoxy-3-methoxy-17-methylmorphinan-6-one tartrate (1:1) hydrate (2:5). It has the following structural formula.



$C_{18}H_{21}NO_3 \cdot C_4H_6O_6 \cdot 2\frac{1}{2}\ H_2O$ MW = 494.50

Acetaminophen, 4-hydroxyacetanilide, a slightly bitter, white, odorless, crystalline powder, is a non-opiate, non-salicylate analgesic and antipyretic. It has the following structural formula:



$C_8H_9NO_2$ MW = 151.17

Each Prolor tablet contains:

Hydrocodone Bitartrate 10 mg (or 7.5 mg)
(WARNING: May be habit forming)

Acetaminophen 250 mg

In addition, each tablet contains the following inactive ingredients: colloidal silicon dioxide, croscarmellose sodium, microcrystalline cellulose, and stearic acid.

- **Indications and Usage**

  A. Changed "NORCO" to "Prolor"

- **Contraindications**

  A. Changed "NORCO" to "Prolor"

- **Precautions**

  A. Changed "NORCO" to "Prolor" in all subsections

  D. Under subsection, "Drug Interaction" changed first sentence to read "Patients receiving other narcotics…"

- **Adverse Reactions**

  A. Changed "NORCO" to "Prolor"

- **Drug Abuse and Dependence**

  A. Changed "NORCO" to "Prolor"

- **How Supplied**

A. Changed statement from:

HOW SUPPLIED

NORCO® is supplied as a yellow, capsule-shaped tablet containing 10 mg hydrocodone bitartrate and 325 mg acetaminophen, bisected on one side and debossed with "NORCO 539" on the other side.

Bottles of 100 NDC 52544-539-01

Bottles of 500 NDC 52544-539-05

Store at controlled room temperature, 15° - 30°C (59°- 86°F). Dispense in a tight, light-resistant container with a child-resistant closure.

Rx only

WATSON PHARMA
A Division of
Watson Laboratories, Inc.
Corona, CA 91720

Revised May 15, 1998

IR5501099 13095-1

TO READ AS FOLLOWS:

HOW SUPPLIED

Prolor 10/250 (or 7.5/250) Tablet is supplied as a white, elongated octagonal, convex tablet embossed with (embossment to be added later)

Bottles of 100
NDC XXXXXXXXX

Bottles of 500
NDC XXXXXXXXX

Store at controlled room temperature 15°-30°C (59°-86°F).

Dispense in a tight, light-resistant container as defined in the USP, with a child-resistant closure.

A schedule III Opioid. Oral prescription where permitted by State law.

Manufactured For:
Atley Pharmaceuticals, Inc.
Ashland, VA 23005

Manufactured By:
PharmaFab
Grand Prairie, TX 75050

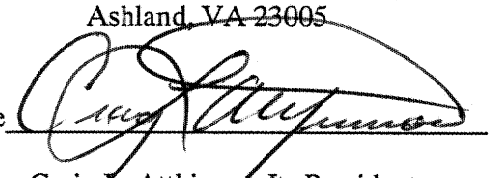
PIN ISS 10/01

Made in USA

G. Certification

The undersigned certifies that to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to us that are unfavorable to the petition.

Typed Name: Atley Pharmaceuticals, Inc.
14433 N. Washington Highway
Ashland, VA 23005

Signature 

Title: By: Craig L. Attkisson, Its President

Name of Petitioner: Atley Pharmaceuticals, Inc.
Mailing Address: 14433 N. Washington Highway
Ashland, VA 23005

Telephone No: (804) 752-8400