

for designation determined to be incomplete will be returned to the applicant with a request for the missing information. The sponsor of an accepted request for designation will be notified of the filing date.

(b) Within 60 days of the filing date of a request for designation, the product jurisdiction officer will issue a letter of designation to the sponsor, with copies to the centers, specifying the agency component designated to have primary jurisdiction for the premarket review and regulation of the product at issue, and any consulting agency components. The product jurisdiction officer may request a meeting with the sponsor during the review period to discuss the request for designation. If the product jurisdiction officer has not issued a letter of designation within 60 days of the filing date of a request for designation, the sponsor's recommendation of the center with primary jurisdiction, in accordance with §3.7(c)(3), shall become the designated agency component.

(c) Request for reconsideration by sponsor: If the sponsor disagrees with the designation, it may request the product jurisdiction officer to reconsider the decision by filing, within 15 days of receipt of the letter of designation, a written request for reconsideration not exceeding 5 pages. No new information may be included in a request for reconsideration. The product jurisdiction officer shall review and act on the request in writing within 15 days of its receipt.

### § 3.9 Effect of letter of designation.

(a) The letter of designation constitutes an agency determination that is subject to change only as provided in paragraph (b) of this section.

(b) The product jurisdiction officer may change the designated agency component with the written consent of the sponsor, or without its consent to protect the public health or for other compelling reasons. A sponsor shall be given 30 days written notice of any proposed nonconsensual change in designated agency component. The sponsor may request an additional 30 days to submit written objections, not to exceed 15 pages, to the proposed change, and shall be granted, upon request, a

timely meeting with the product jurisdiction officer and appropriate center officials. Within 30 days of receipt of the sponsor's written objections, the product jurisdiction officer shall issue to the sponsor, with copies to appropriate center officials, a written determination setting forth a statement of reasons for the proposed change in designated agency component. A non-consensual change in the designated agency component requires the concurrence of the Principal Associate Commissioner.

[56 FR 58756, Nov. 21, 1991, as amended at 68 FR 37077, June 23, 2003]

### § 3.10 Stay of review time.

Any filing with or review by the product jurisdiction officer stays the review clock or other established time periods for agency action for an application for marketing approval or required investigational notice during the pendency of the review by the product jurisdiction officer.

## Subpart B [Reserved]

## PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

### Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

Sec.

- 5.10 Delegations from the Secretary of Health and Human Services to the Commissioner of Food and Drugs.
- 5.11 Reservation of authority.

### Subpart B—General Redelegations of Authority

- 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.
- 5.21 Emergency functions.
- 5.22 Certification of true copies and use of Department seal.
- 5.23 Disclosure of official records and authorization of testimony.
- 5.24 Authority relating to technology transfer.
- 5.25 Research, investigation, and testing programs and health information and promotion programs.
- 5.26 Service fellowships.
- 5.27 Patent term extensions for human drug products, medical devices, and food and color additives; and authority to perform