

communication difficulties. Second, Bayer's copy vendor was closed on Thursday, and operated only under reduced hours and staffing on Friday. Thus, when the Motion to Supplement was submitted on Friday, November 29, 2002, not all the documents that Bayer had intended to file with the Motion were included. Neither Bayer nor Bayer's attorneys were aware at the time of submission that all documents had not been included with the Motion.

Therefore, Bayer seeks to withdraw the Motion to Supplement filed November 29, 2002, and has separately filed today a new Motion to Supplement which includes all the documents Bayer intends to file with this Motion.

Bayer sincerely apologizes for any confusion that may have occurred due to this error.

Respectfully submitted,



Robert B. Nicholas
James H. Sneed
Gregory A. Krauss
M. Miller Baker
McDERMOTT, WILL & EMERY
600 Thirteenth Street, N.W.
Washington, D.C. 20005
(202) 756-8000

Attorneys for Bayer

CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondent Bayer's Motion to Withdraw Motion To Supplement Document Submission Under 21 CFR § 12.85 Dated November 29, 2002, was e-mailed and also mailed, postage pre-paid, this 2nd day of December, 2002 to:

Kent D. McClure
Animal Health Institute
1325 G Street, N.W., Suite 700
Washington, D.C. 20005

Nadine R. Steinberg, Esquire
Food and Drug Administration
Office of General Counsel (CGF-1)
5600 Fischers Lane, Room 7-77
Rockville, MD 20857



Robert B. Nicholas

**UNITED STATES OF AMERICA
BEFORE THE FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

In the Matter of:

**Enrofloxacin for Poultry:
Withdrawal of Approval of
New Animal Drug Application
NADA 140-828**

FDA DOCKET: 00N-1571

ORDER

By motion filed December 2, 2002, Respondent Bayer Corporation seeks to Withdraw its Motion To Supplement Document Submission Under 21 CFR § 12.85 dated November 29, 2002.

Bayer states that it seeks to withdraw the Motion to Supplement due to the fact that the documents it submitted with the Motion were not the complete set of documents.

Accordingly, the motion will be granted.

It is ORDERED, that Respondent Bayer's Motion to Withdraw Motion to Supplement Submission Under 21 CFR § 12.85 Dated November 29, 2002, is GRANTED.

DATED this the ___ day of December, 2002.

Daniel J. Davidson
Administrative Law Judge