

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 31, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs and § 97.35 COPTER SIAPs, identified as follows:

. . . *Effective April 20, 2000*

Chicago/Aurora, IL, Aurora Muni, VOR-A, Amdt 2

Chicago/Aurora, IL, Aurora Muni, VOR RWY 15, Orig

Chicago/Aurora, IL, Aurora Muni, VOR RWY 33, Orig

Chicago/Aurora, IL, Aurora Muni, VOR RWY 36, Amdt 3

Effective May 18, 2000

Anchorage, AK, Anchorage Intl, ILS RWY 6L, Orig

Effective June 15, 2000

Birmingham, AL, Birmingham Intl, GPS RWY 24, Orig-B

Columbus, GA, Columbus Metropolitan, VOR/DME RNAV OR GPS RWY 23, Amdt 2

Jerome, ID, Jerome County, GPS RWY 8, Orig

Jerome, ID, Jerome County, GPS RWY 26, Orig

Belleville, IL, Midamerica Airport, NDB RWY 32R, Orig

Chicago, IL, Chicago Midway, NDB OR GPS RWY 4R, Amdt 12B

Chicago, IL, Chicago Midway, NDB OR GPS RWY 31C, Amdt 14B

Clinton, IA, Clinton Muni, NDB RWY 14, Amdt 5

Marshalltown, IA, Marshalltown Muni, VOR RWY 12, Amdt 1

Marshalltown, IA, Marshalltown Muni, VOR RWY 30, Amdt 1

Marshalltown, IA, Marshalltown Muni, NDB RWY 12, Amdt 8

Sioux City, IA, Sioux Gateway, GPS RWY 17, Amdt 1

Brainerd, MN, Brainerd-Crow Wing Co Regional, VOR/DME OR GPS RWY 12, Amdt 9A

Brainerd, MN, Brainerd-Crow Wing Co Regional, VOR OR GPS RWY 30, Amdt 13B

Brainerd, MN, Brainerd-Crow Wing Co Regional, NDB OR GPS RWY 23, Amdt 5B

International Falls, MN, Falls Intl, COPTER ILS RWY 31, Orig

Cuba, MO, Cuba Muni, NDB-A, Orig
Cuba, MO, Cuba Muni, NDB OR GPS RWY 18, Amdt 2

Cuba, MO, Cuba Muni, NDB OR GPS RWY 36, Amdt 2

Glens Falls, NY, Floyd Bennet Memorial, VOR/DME OR GPS RWY 19, Amdt 6B

Dickinson, ND, Dickinson Muni, NDB RWY 32, Amdt 1

Dickinson, ND, Dickinson Muni, ILS RWY 32, Amdt 1

Dickinson, ND, Dickinson Muni, VOR/DME RNAV OR GPS RWY 14, Amdt 5, CANCELLED

Dickinson, ND, Dickinson Muni, RNAV RWY 14, Orig

Dickinson, ND, Dickinson Muni, RNAV RWY 32, Orig

Williston, ND, Sloulin Field Intl, VOR OR GPS RWY 11, Amdt 12B

Williston, ND, Sloulin Field Intl, NDB RWY 29, Amdt 2B

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, LOC BC RWY 3R, Amdt 8A

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, NDB OR GPS RWY 21L, Amdt 14A

Cleveland, OH, Cleveland-Hopkins Intl, NDB OR GPS RWY 5R, Amdt 5A

Cleveland, OH, Cleveland-Hopkins Intl, NDB OR GPS RWY 23L, Amdt 1A

Cleveland, OH, Cleveland-Hopkins Intl, VOR/DME RNAV OR GPS RWY 10 Amdt 12A

Corvallis, OR, Corvallis Muni, VOR/DME RWY 35, Amdt 11A

Hartsville, SC, Hartsville Rgnl, NDB RWY 3, Orig

Watertown, SD, Watertown Muni, LOC/DME BC RWY 17, Amdt 9A

Watertown, SD, Watertown Muni, LOC/DME BC RWY 35, Amdt 8A

Yankton, SC, Chan Gurney Muni, NDB OR GPS RWY 31, Amdt 2B

Chesapeake, VA, Chesapeake Muni, VOR/DME RWY 23, Amdt 2D

Cheyenne, WY, Cheyenne, GPS RWY 12, Amdt 1B

Cheyenne, WY, Cheyenne, GPS RWY 26, Orig

Gillette, WY, Gillette-Campbell County, LOC/DME BC RWY 16, Amdt 3A

. . . *Effective July 13, 2000*

La Grande, OR, La Grande/Union County, NDB-B, Orig

La Grande, OR, La Grande/Union County, NDB OR GPS-A, Amdt 3, CANCELLED

[FR Doc. 00-8456 Filed 4-5-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29976; Amdt. No. 1984]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight procedure Standards Branch (AMCAFS-420), Flight Technologies and programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73125) (Mail Address: P.O. Box 25082, Oklahoma City, OK. 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim

publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 31, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
03/06/00	FL	Orlando	Orlando Executive	0/2249	NDB Rwy 7, Amdt 15...
03/13/00	CT	Windsor Locks	Bradley Intl	0/2439	NDB or GPS Rwy 6 Amdt 28...
03/13/00	CT	Windsor Locks	Bradley Intl	0/2442	Copter ILS 058 Degrees Amdt 2...
03/15/00	OH	Sidney	Sidney Muni	0/2543	VOR or GPS Rwy 22 Amdt 12...
03/15/00	OH	Sidney	Sidney Muni	0/2544	VOR/DME RNAV or GPS Rwy 28 Amdt 5...
03/16/00	CA	Sacramento	Sacramento Intl	0/2629	ILS Rwy 16L, Orig...
03/16/00	CA	Sacramento	Sacramento Intl	0/2630	ILS Rwy 16R (CAT I, II, & III), Amdt 13...

FDC date	State	City	Airport	FDC No.	SIAP
03/16/00	ND	Hillsboro	Hillsboro Muni	0/2609	GPS Rwy 34, Orig-A...
03/16/00	ND	Hillsboro	Hillsboro Muni	0/2610	GPS Rwy 16, Orig-A...
03/18/00	WY	Gillette	Gillette-Campbell Co	0/2660	NDB Rwy 34, Orig-A...
03/18/00	WY	Gillette	Gillette-Campbell Co	0/2663	VOR/DME or GPS Rwy 34, Orig-A...
03/18/00	WY	Gillette	Gillette-Campbell Co	0/2664	LOC/DME BC Rwy 16, Amdt 3...
03/18/00	WY	Gillette	Gillette-Campbell Co	0/2665	ILS Rwy 34, Amdt 2A...
03/18/00	WY	Gillette	Gillette-Campbell Co	0/2667	VOR or GPS Rwy 16, Amdt 6A...
03/20/00	CA	Sacramento	Sacramento Intl	0/2704	ILS Rwy 34L Amdt 5...
03/20/00	TX	Conroe	Montgomery County	0/2711	VOR/DME RNAV Rwy 32, Amdt 1A...
03/20/00	TX	Conroe	Montgomery County	0/2712	GPS Rwy 32, Orig-A...
03/20/00	TX	Conroe	Montgomery County	0/2713	NDB Rwy 14, Amdt 1A...
03/20/00	TX	Conroe	Montgomery County	0/2714	ILS Rwy 14, Amdt 1B...
03/21/00	IA	Dubuque	Dubuque Regional	0/2729	ILS Rwy 31, Amdt 10D...
03/21/00	KS	Belleville	Belleville Muni	0/2728	VOR/DME-A, Amdt 3A...
03/21/00	MN	Montevideo	Montevideo-Chippewa County	0/2769	VOR or GPS Rwy 14, Amdt 4A...
03/21/00	MO	St Joseph	Rosecrans Memorial	0/2758	LOC BC Rwy 17, Amdt 8...
03/21/00	MO	St Joseph	Rosecrans Memorial	0/2760	ILS Rwy 35, Amdt 30...
03/21/00	MO	St Joseph	Rosecrans Memorial	0/2761	NDB Rwy 17, Amdt 8A...
03/21/00	MO	St Joseph	Rosecrans Memorial	0/2765	VOR/DME RNAV or GPS Rwy 17, Amdt 4A...
03/21/00	MO	St Joseph	Rosecrans Memorial	0/2767	NDB or GPS Rwy 35, Amdt 28C...
03/21/00	WI	Land O'Lakes	King's Land O'Lakes	0/2730	NDB Rwy 32, Orig...
03/22/00	OH	Batavia	Clermont County	0/2808	NDB or GPS Rwy 22, Orig-A...
03/22/00	OH	Wapakoneta	Neil Armstrong	0/2815	GPS Rwy 8, Orig...
03/22/00	WI	Land O'Lakes	King's Land O'Lakes	0/2817	NDB or GPS Rwy 14, Amdt 9...
03/23/00	CA	San Diego	San Diego Intl-Lindbergh Field	0/2838	LOC Rwy 27 Amdt 2C...
03/23/00	FL	Orlando	Executive	0/2859	GPS Rwy 7 Orig...
03/23/00	FL	Orlando	Executive	0/2861	GPS Rwy 25 Orig-A...
03/23/00	FL	Orlando	Executive	0/2866	VOR/DME Rwy 25 Amdt 1A...
03/23/00	FL	Orlando	Executive	0/2867	LOC BC Rwy 25 Amdt 20...
03/23/00	FL	Orlando	Executive	0/2868	ILS Rwy 7 Amdt 21...
03/23/00	OR	Eugene	Mahlon Sweet Field	0/2892	GPS Rwy 34 Orig-A...
03/23/00	OR	Eugene	Mahlon Sweet Field	0/2897	VOR/DME or TA-CAN Rwy 34 Amdt 4A...
03/24/00	CA	Bakersfield	Meadows Field	0/2951	GPS Rwy 30R Orig-A...
03/24/00	CT	Hartford	Hartford-Brainard	0/2942	LDA Rwy 2 Amdt 1B...
03/24/00	FL	Cocoa	Merritt Island	0/2934	GPS Rwy 11 Amdt 1...
03/24/00	FL	Cocoa	Merritt Island	0/2935	NDB Rwy 11, Amdt 1...
03/24/00	FL	Orlando	Kissimmee Muni	0/2945	GPS Rwy 6 Orig-A...
03/24/00	FL	Orlando	Kissimmee Muni	0/2946	GPS Rwy 33 Orig-A...
03/24/00	FL	Orlando	Kissimmee Muni	0/2947	GPS Rwy 15 Orig-A...
03/24/00	FL	Orlando	Kissimmee Muni	0/2949	VOR/DME or GPS-A Orig-A...
03/24/00	FL	Titusville	Arthur Dunn Airpark	0/2932	GPS Rwy 33 Orig-A...
03/24/00	FL	Titusville	Arthur Dunn Airpark	0/2933	GPS Rwy 15 Orig-A...
03/24/00	FL	Titusville	Space Coast Regional	0/2938	ILS Rwy 36 Amdt 10...
03/27/00	FL	Melbourne	Melbourne Intl	0/3020	VOR Rwy 9R, Amdt 19C...
03/27/00	FL	Melbourne	Melbourne Intl	0/3021	ILS Rwy 9R, Amdt 10C...
03/27/00	FL	Melbourne	Melbourne Intl	0/3023	VOR or GPS Rwy 27L, Amdt 11D...
03/27/00	FL	Melbourne	Melbourne Intl	0/3024	LOC BC Rwy 27L, Amdt 8E...
03/27/00	FL	Melbourne	Melbourne Intl	0/3026	GPS Rwy 27R, Orig-A...
03/27/00	FL	Melbourne	Melbourne Intl	0/3027	NDB or GPS Rwy 9R, Amdt 14B...
03/27/00	FL	Orlando	Kissimmee Muni	0/3039	NDB Rwy 15, Orig-A...

[FR Doc. 00-8455 Filed 4-5-00; 8:45 am]

BILLING CODE 4910-13-M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960-AE 96

Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Clarification of "Age" as a Vocational Factor

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are revising the Social Security and Supplemental Security Income (SSI) disability regulations to clarify our consideration of "age" as a vocational factor at the last step of our sequential evaluation process for determining whether an individual is disabled under title II or title XVI of the Social Security Act (the Act). We are also amending our rules to better explain how we consider transferability of skills for individuals who are of "advanced age" (age 55 or older) in deciding whether such individuals can make an adjustment to other work.

DATES: These rules will be effective May 8, 2000.

FOR FURTHER INFORMATION CONTACT:

Georgia E. Myers, Regulations Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, 1-410-965-3632 or TTY 1-800-966-5609 for information about these rules. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778.

SUPPLEMENTARY INFORMATION: The Act provides, in title II, for the payment of disability benefits to persons insured under the Act. Title II also provides for the payment of child's insurance benefits for persons who become disabled before age 22, and for the payment of widow's and widower's insurance benefits for disabled widows, widowers, and surviving divorced spouses of insured persons. In addition, the Act provides, in title XVI, for SSI payments to persons who are aged, blind, or disabled and who have limited income and resources.

For adults (including persons claiming child's insurance benefits based on disability under title II), "disability" is defined in the Act under both title II and title XVI as the

"inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." Sections 223(d) and 1614(a) of the Act also state that an individual "shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work."

To implement the process for determining whether an individual is disabled based upon this statutory definition, our regulations at §§ 404.1520 and 416.920 provide for a five-step sequential evaluation process as follows:

1. Is the individual engaging in substantial gainful activity? If the individual is working and the work is substantial gainful activity (SGA), we find that he or she is not disabled. Otherwise, we proceed to step 2 of the sequence.
2. Does the individual have an impairment or combination of impairments that is severe? If the individual does not have an impairment or combination of impairments that is severe, we find that he or she is not disabled. If the individual has an impairment or combination of impairments that is severe, we proceed to step 3 of the sequence.
3. Does the individual's impairment(s) meet or equal the severity of an impairment listed in appendix 1 of subpart P of part 404 of our regulations? If so, and the duration requirement is met, we find that he or she is disabled. If not, we proceed to step 4 of the sequence.
4. Does the individual's impairment(s) prevent him or her from doing his or her past relevant work, considering his or her residual functional capacity (RFC)? If not, we find that he or she is not disabled. If so, we proceed to step 5 of the sequence.
5. Does the individual's impairment(s) prevent him or her from performing other work that exists in the national economy, considering his or her RFC together with the "vocational factors" of age, education, and work experience? If so, and if the duration requirement is

met, we find that the individual is disabled. If not, we find that he or she is not disabled.

As discussed in §§ 404.1569 and 416.969, at step 5 of the sequential evaluation process we use the medical-vocational rules that are set out in appendix 2 of subpart P of part 404. (By reference, § 416.969 provides that appendix 2 is also applicable to adults claiming SSI payments based on disability.) In general, the rules in appendix 2 take administrative notice of the existence of numerous, unskilled occupations at exertional levels defined in the regulations, such as "sedentary," "light," and "medium." Based upon a consideration of an individual's RFC, age, education, and work experience, the rules either direct a conclusion as to whether an individual is disabled at step 5 of the sequential evaluation process or provide a framework for making a decision at this step. Some rules in appendix 2 also direct a conclusion when an individual has "skills" acquired from previous skilled or semiskilled work that are "transferable" to other skilled or semiskilled work.

Our rules regarding age and skills are set out in §§ 404.1563, 404.1568, 416.963, and 416.968. The rules and explanatory text of appendix 2 of subpart P of part 404 also provide guidance for considering the vocational factors of age, education, and work experience that supplement the information on consideration of these vocational factors in §§ 404.1560-404.1569a and 416.960-416.969a.

Our revisions clarify a number of our rules on the consideration of one of the vocational factors, "age," in §§ 404.1563 and 416.963. They also clarify in final §§ 404.1568(d)(4) and 416.968(d)(4) how we determine whether individuals who are of "advanced age" (*i.e.*, age 55 or older), including individuals in a subcategory of advanced age called "closely approaching retirement age" (*i.e.*, age 60-64), have skills that are transferable to other work.

Explanation of Revisions

For clarity, we refer to the changes in this notice as "final" rules and to the rules that will be changed by these final rules as the "current" rules. However, it must be remembered that these final rules do not go into effect until 30 days after the date of this publication. Therefore, the "current" rules will still be in effect for another 30 days.

Sections 404.1563 and 416.963 Your Age as a Vocational Factor

We are revising the first sentence of paragraph (a) of §§ 404.1563 and