

Department of the Interior
DEPARTMENTAL MANUAL

Personnel

Part 370 - DM Addition to FPM

Chapter 531 Pay Under the Classification

Act System

370 DM 531, 2.1

Subchapter 2. Determining Rate of Basic Compensation

.1 General Provisions

A. If a change to a lower grade is the result of unsatisfactory performance, adjustment shall be made to the minimum rate of the lower grade, unless the employee is changed to a position formerly held during his current continuous period of service and he performed the duties of that position satisfactorily. In the latter case, pay may be adjusted to any rate which does not exceed the rate the employee would have attained in the position to which he is being changed had he remained therein.

B. If a change to lower grade is voluntary or at the request of the employee, his pay may be adjusted to any rate which does not exceed his existing rate of pay. If his existing rate of pay falls between two rates of the lower grade, he may be given the higher rate; however, the maximum scheduled rate of the new grade shall not be exceeded. If a change to lower grade is for the purpose of acquiring competitive status, the employee's pay shall be adjusted to a rate which upon repromotion with the required two-step increase will result in the rate which he would have received had he remained continuously in the higher grade.

.2 Application of Highest Previous Rate Rule. Within the authority of Part 531 of the Civil Service regulations, the following practices shall prevail:

A. Reemployment. The pay of an employee reemployed may be fixed at any scheduled rate for his grade which does not exceed the employee's highest previous rate, or, if his highest previous rate falls between two rates of his new grade he may be given the higher rate. However, the rate of an employee who has been separated from the Department by reduction in force within one year preceding reemployment shall be fixed as follows:

(1) If the employee's highest previous rate is the rate received at the time of separation, his pay shall be fixed to preserve as nearly as possible that rate. The actual dollar value of the previous rate must be adjusted to provide for subsequent increases in the rate for the General Schedule.

(2) If the employee's highest previous rate is a rate higher than that received at the time of separation, his pay may be fixed under (1) above, or at any higher scheduled rate for his grade which does not exceed his highest previous rate.

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B. Promotion. The pay of an employee who is promoted to a higher grade position within the Department or who is transferred from another agency to a higher grade shall be established in accordance with the mandatory provisions of section 531.204 of the Civil Service regulations, based upon his existing rate of pay in the position from which he is promoted. The mandatory requirement of two within-grade increases also applies when an employee is given a new appointment terminating a previous one at a lower grade irrespective of the type of appointment given or terminated.

C. Repromotion After Change to Lower Grade in Lieu of Separation for Reduction in Force or Separation by Displacement. If, within the same bureau or office an employee after change to lower grade in lieu of separation for reduction in force or separation by displacement, is promoted to his former position, to one of equal grade, or to one of intermediate grade higher than his current grade, his pay shall be adjusted to the highest scheduled rate which does not exceed the rate from which previously reduced, or which he would receive under the mandatory provisions of section 531.204 of the Civil Service regulations, whichever is greater.

D. Reassignment or Transfer from Another Agency. The pay of an employee who is reassigned to another position or transferred from another agency without promotion shall be set so as to retain his existing rate of pay. If the existing rate falls between two rates, the higher of the two shall be applied.

E. Downgrading as Result of Classification Decision. Section 531.203 of the Civil Service regulations provides that where an agency regrades a position to a grade higher than the one to which the position has been classified by Commission action, and where subsequent to the regrading, the Commission again classifies the position to the grade which it had originally assigned the position, the rate attained by the employee in the higher grade may not be used as his highest previous rate.

(1) The general rule applied by the cited Civil Service regulation with respect to Commission classification decisions shall also apply to classification decisions made by the Office of Personnel Management, Office of the Assistant Secretary for Administration, or bureau headquarters personnel offices.

(2) In such cases the employee's pay shall be adjusted to that rate of the lower grade to which he would have been entitled had the position remained in that grade.

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F. Criteria for Establishing Salary Rates Above the Minimum of the Grade. In individual instances, rates higher than those provided above may be established on the basis of higher rates received in previous positions. Subject to the limitations set forth in 370 DM 531, 2.2G, a new appointment of a supervisor may also be made at the nearest rate of basic compensation being paid to any wage board employee regularly supervised.

(1) Determination to establish higher rates in these instances shall be made on the basis of the merits of specific cases.

(a) If a higher previous rate is considered, it must conform with section 531.203 of the Civil Service regulations.

(b) The basis for selecting a particular discretionary rate shall be recorded in the employee's official personnel folder by means of SF 52 or memorandum of justification.

(2) In considering the establishment of a rate based upon a higher previous rate, consideration shall be given to the principles of good management, the service history of the employee concerned, and the relationship that the particular pay action will have upon other positions in the immediate organization and installation. Specific criteria to be considered are:

(a) The service history of the employee, which shall be examined fully, giving due consideration to performance rating in the former position and required duties of the position to which the employee is being changed. Experience in a position in a different line of work may be less significant than experience in a position which is directly related to the new or changed position.

(b) The qualification of the employee in relation to the requirements of the position to which appointed. For example when a person is eminently qualified for the particular job, this factor would weigh more heavily than it would when he meets only minimum qualification requirements.

(c) A determination that the granting of a higher pay rate is justified in relation to the qualifications and pay rates of other employees serving in similar or identical positions in the same organization or installation.

(d) The necessity for the action, in terms of the mission of the organization, to meet retention and recruitment problems.

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G. Transfers from Prevailing Rate Systems to Positions in the
General Schedule or the Interior General Schedule in the State of Alaska.

(1) When the prevailing wage rates contain cost of living or other differentials, which are not clearly discernible, the gross rate of compensation for the prevailing rate position will be used as the highest previous rate. In such cases, the gross rate of the General Schedule or Interior General Schedule position to which transferred (i.e., the basic rate plus the cost of living and other differentials) will be used as the basis for pay comparability.

(2) When the prevailing wage rates contain cost of living and other differentials, which are clearly discernible, the basic rate (i.e., the gross salary, less the differentials) will be used as the highest previous rate. In these instances, the basic rate of the GS or IGS position to which transferred (i.e., the gross rate less the differentials) will be used as the basis for pay comparability.

H. Use of Section 5303 and Section 5333 Rates in Position or
Appointment Changes and Promotions.

(1) When an employee's rate of basic compensation is one established under 5 U.S.C., 5303 (formerly section 504 of the Federal Salary Reform Act of 1962, as amended), the employee's highest previous rate is the rate to which the employee would have been entitled had the rate established under this section not applied to him. However, an employee compensated under section 5303 rate is entitled on promotion (whether or not to another 5303 position) to receive a rate in the new grade which exceeds his section 5303 rate by an amount equal to two within-grade increases of the grade from which promoted, provided such higher rate does not exceed the maximum rate of the new grade.

(2) An employee's highest previous rate may be based on a rate of basic compensation established under 5 U.S.C., 5333 (b) (formerly section 803 of the Classification Act). This is because special pay scales were not established for these rates.

I. Appointments Above Minimum Rate of Grade Because of Superior
Qualifications.

(1) The Federal Employees Salary Act of 1966 amended 5 U.S.C., 5333 (a) to permit the appointment of a new employee with the prior approval of the Commission at a rate above the entrance rate in positions Grade GS-11 and above. Requests for approval under this authority for positions under the jurisdiction of the central office of the Commission should be prepared for the signature of the Director of Personnel. Requests for positions under the jurisdiction of Commission regional offices should be sent directly to the appropriate regional office.

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Subchapter 3. Pay Adjustments for Supervisors

.1 Authority. Permissive authority for paying a General Schedule supervisor more than the highest rate paid to any wage employee he regularly supervises is contained in 5 U.S.C., 5333 (b) (formerly Section 803 of the Classification Act, as amended), and, Part 531 of the Civil Service regulations.

.2 Policy. It is the policy of the Department, within this authority, to pay General Schedule (GS) or Interior General Schedule (IGS) supervisors at the nearest rate in their grades, which exceeds the highest rate paid to any wage board employee under their regular supervision, subject to the following limitations:

A. In those areas where the GS or IGS supervisor receives a cost of living or post differential based on hardship and the wage board employees supervised do not receive a separately stated cost of living or post differential, the adjustment in the supervisor's rate under this authority shall be based on his basic rate plus the cost of living allowance or post differential.

B. Comparisons between the GS or IGS supervisor's basic rate of compensation and the compensation paid the wage board employees supervised by him shall exclude from a wage board employee's rate, the night differential and any irregular prevailing rate (such as a retained rate) which is not related to the wage board employee's current position.

.3 Delegation of Authority to Bureaus. The head of each Bureau or his designated representative is authorized by 205 DM 8.1A(3) to exercise the authority of the Secretary with respect to making these pay adjustments. In exercising this authority, bureaus are governed by 5 U.S.C., 5333 (b) (formerly Section 803 of the Classification Act, as amended), the Commission's regulations, and the following general provisions.

.4 General Provisions.

A. A General Schedule employee who regularly supervises seasonal wage board employees for three months or more a year on a continuing basis (year after year) shall be considered as meeting the requirements for "regular responsibility" for supervision, provided that this responsibility is reflected in the official position description as a continuing assignment. A General Schedule employee who regularly supervises wage board employees occupying dual positions (journeyman/foreman) shall have his rate of pay adjusted on the basis of the foreman rates when service at such foreman rates is performed three or more months a year on a continuing basis (year after year).

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B. An IGS employee who regularly supervises seasonal wage board employees shall have his pay adjusted in the same manner as a General Schedule employee. The regulations of the Commission and this chapter shall apply equally to General Schedule and IGS supervisors of wage board employees.

C. The adjustment of a supervisor's rate of pay shall be effective on the first day of the first pay period following the date on which the determination to adjust is made. Determinations to adjust will be made on an individual case basis.

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370 DM 531,4

Subchapter 4. Within-Grade and Quality Increases

4.1 Introduction. This Subchapter provides policy and procedures for granting within-grade and quality increases pursuant to 5 U.S.C. 5336, 5301, and 5335, and Section 402 of E.O. 11721, as amended. Pay increases such as within-grade increases and quality increases are intended to provide incentive and recognition to General Schedule employees who excel in the performance of their duties, thus reflecting the close relationship of pay and performance.

4.2 Coverage. The provisions of this Subchapter apply to employees who occupy permanent positions which are classified and paid under the General Schedule at less than the maximum step of their grades. They do not apply to employees in the Senior Executive Service nor to those covered by the Performance Management and Recognition System.

4.3 Responsibility of Bureau and Office Heads. Bureau and office heads are responsible for administering the within-grade increase program within their organizations in accordance with the regulations and guidance set forth in 5 CFR 531, Subpart D, and in conformance with the approved performance appraisal plan for their organizations. They are responsible for assuring that periodic determinations are made as to which employees are performing at an acceptable level of competence.

4.4 Definitions.

A. Acceptable Level of Competence means fully successful performance by an employee of the duties and responsibilities of his or her assigned position which warrants advancement of the employee's rate of basic pay to the next higher step of the grade of his or her position.

B. Equivalent Increase means an increase or increases in an employee's rate of basic pay equal to or greater than the difference between the rate of pay for the General Schedule grade and step occupied by the employee and the rate of pay for the next higher step of that grade.

C. Reconsideration Official means a person who is normally at the next higher organizational echelon to the person designated as a reviewing official for performance appraisal ratings under the bureau's performance appraisal plan. A bureau may, however, delegate this role to a level no lower than the reviewing official for the employee's performance appraisal. The reconsideration official should not have been involved with the acceptable level of competence determination.

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4.5 Eligibility. Employees subject to the provisions of this Subchapter shall be eligible for a within-grade increase when they have completed the required waiting period if they have not received an equivalent increase during the waiting period, and when their performance is at an acceptable level of competence, i.e., determined to be at Level 3 or better under the performance appraisal system.

A. When a within-grade increase decision is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared.

B. The rating of record used as the basis for an acceptable level of competence determination for a within-grade increase must have been assigned no earlier than the most recently completed appraisal period.

4.6 Communication of Performance Requirement.

A. The performance standards established each year according to the organization's approved performance appraisal plan shall specify the requirements for performance at an acceptable level of competence.

B. Employees covered by an approved performance appraisal plan shall be informed of the specific performance requirements that constitute an acceptable level of competence.

C. Employees not covered by an approved performance appraisal system shall be informed of the specific requirements for performance at an acceptable level of competence within 30 days after initial appointment or permanent change in position.

4.7 Acceptable Level of Competence Determinations.

A. **Basis for Determination.** An acceptable level of competence determination shall be based on an employee's current rating of record. If an employee has been reduced in grade because of "Unacceptable" performance and has served in one position at the lower grade for at least the minimum appraisal period established by the bureau, a rating of record at the lower grade shall be used as the basis for an acceptable level of competence determination.

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B. Delay in Determination.

(1) An acceptable level of competence determination must be delayed under either of the following conditions:

(a) The employee has not had the minimum period of time established by the organization to demonstrate acceptable performance because he or she has not been informed of the specific requirements for performance at an acceptable level of competence in his or her current position, and the employee has not been given a performance rating in any position within 90 days before the end of the waiting period; or

(b) An employee is reduced in grade because of unacceptable performance to a position in which he or she is eligible for a within-grade increase or will become eligible within the minimum period of time established by the organization to demonstrate acceptable performance.

(2) When an acceptable level of competence determination has been delayed under this subchapter:

(a) The employee shall be informed that his or her determination is postponed and the rating period extended and shall be told of the specific requirements for performance at an acceptable level of competence.

(b) An acceptable level of competence determination shall then be made upon completion of the minimum appraisal period established by the organization's performance appraisal plan and shall be based on the employee's rating conducted during that minimum appraisal period.

(c) If, following the delay, the employee's performance is determined to be at an acceptable level of competence, the within-grade increase will be granted retroactively to the beginning of the pay period following completion of the applicable waiting period.

C. Documentation. The decision to grant or withhold a within-grade increase must be supported by the employee's most recent appraisal made pursuant to the organization's performance appraisal plan. When a within-grade increase decision is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared.

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D. Waiver of Requirement for Determination. An acceptable level of competence determination shall be waived and a within-grade increase granted when an employee has not served in any positions for the minimum appraisal period under the organization's performance appraisal system during the final 52 calendar weeks of the waiting period for one or more of the following reasons:

- (1) Because of absences that are creditable service in the computation of a waiting period or periods;
- (2) Because of paid leave;
- (3) Because the employee received service credit under the back pay provisions of FPM Chapter 550;
- (4) Because of details to another bureau or employer for which no rating has been prepared; or
- (5) Because of long-term training.

In these situations, there shall be a presumption that the employee would have performed at an acceptable level of competence if the employee had performed the duties of his or her positions of record for the minimum appraisal period under the bureau performance appraisal system.

E. Notice of Determination.

- (1) A positive level of competence determination shall be communicated to an employee in writing as soon as possible after completion of the waiting period or other period upon which it was based according to the organization's performance appraisal plan. An employee's rating of record will serve as a level of competence determination.
- (2) A negative level of competence determination shall be communicated to an employee in writing as soon as possible after completion of the waiting period upon which it was based and shall: (a) set forth the reasons for any negative determination and the respects in which the employee must improve his or her performance in order to be granted a within-grade increase; and (b) inform the employee of his or her right to request a reconsideration of the negative determination by the appropriate reconsideration official.

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4.8 Reconsideration of a Negative Determination.

A. Procedures. The following procedures must be followed for reconsideration when a negative determination is issued:

(1) An employee or an employee's personal representative, if one is designated by the employee in writing, may request reconsideration of a negative determination by filing with the reconsideration official, not more than 15 days after receiving notice of the determination, a written response to the negative determination setting forth the reasons the reconsideration official should consider;

(2) The reconsideration official shall establish an employee reconsideration file;

(3) An employee in a duty status shall be granted a reasonable amount of official time to review the material relied upon to support the negative determination and to prepare a response to the determination; and

(4) The organization shall provide the employee with a prompt final decision in writing.

B. Reconsideration File. When an employee files a request for reconsideration, the reconsideration official shall establish an employee reconsideration file which shall contain all pertinent documents relating to the negative determination and the request for reconsideration, including copies of the following:

(1) the written negative determination and the basis therefore;

(2) the employee's written request for reconsideration;

(3) the report of factfinding when such an inquiry is necessary;

(4) the written summary or transcript of any personal presentation; and

(5) the written decision on the request for reconsideration.

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The file shall not contain any document that has not been made available to the employee or his or her personal representative nor any summary of the employee's personal presentation to which the employee has not been provided opportunity to submit a written exception.

C. Sustained Negative Determination. When a negative determination is sustained after reconsideration, an employee shall be informed in writing of the reasons for the decision and of his or her right to appeal the decision to the Merit Systems Protection Board. In the case of an employee covered by a collective bargaining agreement, his or her right to appeal a reconsideration decision that sustains a negative determination shall be determined in accordance with the terms of the negotiated grievance procedure.

4.9 Continuing Evaluation After Withholding a Within-Grade Increase. When a within-grade increase has been withheld, a bureau/office may, at any time thereafter, prepare a new rating of record for the employee and grant the within-grade increase when it determines that he or she has demonstrated sustained performance at an acceptable level of competence. However, the bureau/office shall determine whether the employee's performance is at an acceptable level of competence after no more than 52 calendar weeks following the original eligibility date for the within-grade increase and, for as long as the within-grade increase continues to be denied, determinations will be made after no longer than each 52 calendar weeks.

4.10 Effective Date of Within-grade Increase.

A. A within-grade increase shall be effective on the first day of the first pay period following completion of the required waiting period and in compliance with conditions of eligibility.

B. When, due to administrative error, oversight, delay, or postponement of the acceptable level of competence determination, a positive determination is made after the waiting period is completed, the effective date of the within-grade increase shall be retroactive to the original due date.

C. When an acceptable level of competence is achieved at some time after a negative determination, the effective date is the first day of the first pay period after the acceptable determination has been made.

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4.11 Reports and Evaluation of Within-grade Increase Authority.

A. Reports. Bureaus and offices may be required to maintain records and report on the use of the authority to grant or withhold within-grade increases.

B. Evaluation. Bureaus and offices may be evaluated by the Department or the Office of Personnel Management (OPM) on their use of the authority to grant or withhold within-grade increases. Any corrective action required by the Department or OPM shall be taken.

4.12 Quality Step Increases.

A. Purpose. Quality step increases provide a means of recognizing and rewarding the outstanding performance of General Schedule employees by granting faster than normal step increases.

B. Level of Performance Required. A quality step increase shall not be required but may be granted only to an employee who receives a rating of record at level 5 (Outstanding), as defined in 370 DM 430.

C. Restrictions on Granting Quality Step Increases. A quality step increase may not be granted to an employee who has received a quality step increase within the preceding 52 consecutive calendar weeks. In addition, an employee may not receive a quality step increase and a performance award, as described in 370 DM 430, Subchapter 14, based on the same rating period.

D. Effective Date. A determination to grant a quality step increase should be made as soon as practicable after a rating of record is approved. The quality step increase should be made effective at the beginning of the first pay period after it is approved.

E. Program Responsibilities.

(1) Department. The Director of Personnel is responsible for the direction and supervision of the Department's quality increase program.

(2) Bureaus/Offices. The head of each bureau/office is responsible for the conduct of the quality increase program in his or her organization and the delegation of authority to grant quality step increases to the lowest level of management practical. This responsibility includes: the continuing review

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and evaluation of quality increase activities to assure their effective accomplishment; an annual notice to employees of the number of quality step increases granted in the bureau by grade level; appropriate training and information to all employees on quality step increases; and annual reporting requirements to the Department.

F. Basis for Justification. The employee's current outstanding (Level 5) rating of record is the basis for a quality step increase. The recommending official may attach a copy of the approved rating of record to a completed Form DI-411, Recommendation for Monetary Award, and submit it through regular channels to the approving authority. The rating of record must clearly reflect in enough detail the employee's outstanding performance so as to warrant the granting of a quality step increase.

G. Guidelines for General Application. A quality step increase provides faster than normal advancement through the GS pay rate range because of the employee's continuing high quality performance. Because it is a change in basic pay, it not only provides a salary increase, it also provides an increase in salary-related benefits. Therefore, recommending officials must certify, based on past performance, that it is expected that the employee recommended for a quality step increase is expected to continue to perform at a high level.

(1) Criteria.

- (a) Current Outstanding (Level 5) rating of record;
- (b) Certification on DI-411 that high level of performance is expected to continue;
- (c) Outstanding performance has continued for no less than 6 months;
- (d) The employee is expected to remain in the same position or a similar position at the same grade level for at least 60 days following the effective date of the quality step increase; and
- (e) If the current rating of record is more than 90 days past the end of the rating period, a statement on the DI-411 will be made as to the employee's continuing outstanding performance.

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(2) Inappropriate Use. There are certain circumstances where the granting of a quality step increase would not be appropriate; however, a lump sum monetary performance award described in 370 DM 430, Subchapter 14, may be more appropriate. Examples of inappropriate use are:

(a) The employee is at the top of the grade scale and there is no higher step to which advancement can be made;

(b) The employee is expected to retire within one year and would benefit only for a limited time;

(c) The employee is about to receive or has just received a promotion, the basis of which was the same performance upon which that quality step increase would be based;

(d) The employee has not been in the position for at least 6 months;

(e) The employee has been detailed to a position other than the one in which the current rating of record was given;

(f) The employee is changing jobs;

(g) The employee is not covered under the General Schedule and therefore is not eligible; or

(h) The employee has received a quality step increase within the preceding 52 weeks.



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Subchapter 5. Salary Retention.

.1 General Provisions

A. Employees who are receiving a saved rate of pay under 5 U.S.C., 5337 are entitled to salary increases subsequently enacted. Any employee holding such a retained rate shall have his rate of basic compensation adjusted to the new rate of the grade and step from which his retained rate was derived.

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