

**§ 332.402 Referring candidates for appointment.**

OPM or a delegated examining unit (DEU) will use one of the mechanisms identified below to refer a sufficient number of candidates for consideration, in accordance with this section and the agency's delegated examining policies.

(a) Each agency must establish a policy on the use of these procedures.

(b) OPM or a DEU may determine, based on the position to be filled, which of the following mechanisms will best meet the hiring needs of the agency and result in at least three names for consideration.

(1) OPM or a DEU may establish a cut-off score based on the assessment(s) used, supported by job analysis data;

(2) OPM or a DEU may establish a cut-off score based on business necessity;

(3) OPM or a DEU may use a set number of the highest ranked eligible applicants to certify; or

(4) OPM or a DEU may use a set percentage of the highest ranked eligible applicants to certify.

(5) When using a set number of candidates or top percentage of eligible applicants, all applicants with the same score as the last candidate in the cut will also be referred.

(6) In selecting an appropriate mechanism, agencies should consider the number of positions to be filled, the assessment(s) used, historical applicant data, current labor market conditions, and other factors appropriate for the hiring action.

(c) The agency must determine the mechanism before announcing the vacancy, and the job opportunity announcement must state the mechanism to be used.

(d) The mechanism used must be clearly documented in the examining case file and available for reconstruction or third-party review.

(e) Hiring managers will receive sufficient names, when available, to allow them to consider at least three candidates for each vacancy.

(f) In instances when a certificate of eligibles results in fewer than three eligible and available candidates per vacancy and an agency needs to issue a supplemental certification, OPM or a DEU must have decided, before announcing the vacancy, how to expand the group of candidates in accordance with the guidance in the Delegated Examining Operations Handbook.

(g) OPM or a DEU will refer candidates for consideration by simultaneously listing a candidate on all certificates for which the candidate is interested, eligible, and within reach, except that, when it is deemed in the interest of good administration and

candidates have been so notified, OPM or a DEU may choose to refer candidates for only one vacancy at a time.

■ 9. Revise § 332.404 to read as follows:

**§ 332.404 Order of selection from certificates.**

An appointing officer, with sole regard to merit and fitness, shall select any eligible candidate certified for appointment on a certificate of eligibles, except the hiring manager may not pass over a preference eligible to select a lower standing non-preference eligible on the certificate unless the agency complies with pass over procedures in accordance with § 332.406.

■ 10. Revise § 332.405 to read as follows:

**§ 332.405 Three considerations for appointment.**

An appointing officer is not required to consider an eligible candidate who has been given bona fide consideration by one or more hiring managers for three separate appointments from the same or different certificates for the same position (*i.e.*, the same title, series, and grade).

(a) *Bona fide consideration.* To use this provision:

(1) The hiring manager must review and consider the candidate's application material;

(2) The hiring manager must sign a written statement documenting the candidate received three considerations and recommending the candidate be removed from further consideration for the position(s) being filled due to a documented lack of a specific skill(s) or attribute(s) needed to perform the work of the position being filled (When more than one hiring manager is involved, a hiring manager may include information or evidence from another hiring manager.);

(3) The Human Resources Director (at the servicing personnel office level) must approve the request to remove the candidate from further consideration; and

(4) The agency must provide written notification to any candidate removed under this section upon request by the candidate.

(b) *Document the case file.* The agency must document in the case file the three valid selections that were made, and the Human Resources Director's concurrence to remove any candidate from further consideration in accordance with paragraph (a) of this section.

(c) *Selection consideration.* An agency may use the three considerations provision to remove one or more candidates from further consideration

starting with the fourth selection (which may be from the same or different certificates for the same position (*i.e.*, the same title, series, and grade)). The number removed may not exceed the remaining number of positions to be filled as long as bona fide consideration has been given and documented as required by this section.

(d) *Inapplicability of the Three Considerations Rule.* The three considerations rule does not apply to shared certificates.

**PART 337—EXAMINING SYSTEM**

■ 11. The authority citation for part 337 is revised to read as follows:

**Authority:** 5 U.S.C. 1104(a), 1302, 2302, 3301, 3302, 3304, 3319, 5364; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; 33 FR 12423, Sept. 4, 1968; and 45 FR 18365, Mar. 21, 1980; 116 Stat. 2135, 2290; 117 Stat. 1392, 1665; and E.O. 13833.

■ 12. Revise the heading to subpart C to read as follows:

**Subpart C—Category Rating**

■ 13. Revise § 337.304 to read as follows:

**§ 337.304 Veterans' preference.**

In this subpart:

(a) Veterans' preference must be applied as prescribed in 5 U.S.C. 3319(b) and (c)(7);

(b) Veterans' preference points as prescribed in § 337.101 are not applied in category rating; and

(c) Sections 3319(b) and 3319(c)(7) of title 5 U.S.C. constitute veterans' preference requirements for purposes of 5 U.S.C. 2302(b)(11)(A) and (B).

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**NUCLEAR REGULATORY COMMISSION****10 CFR Part 72**

[NRC–2025–0070]

RIN 3150–AL33

**List of Approved Spent Fuel Storage Casks: TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System Certificate of Compliance No. 1042, Amendment No. 4**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of October 14, 2025, for

the direct final rule that was published in the **Federal Register** on July 29, 2025. The direct final rule amended the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 4 to Certificate of Compliance No. 1042.

**DATES:** The effective date of October 14, 2025, for the direct final rule published July 29, 2025 (90 FR 35589), is confirmed.

**ADDRESSES:** Please refer to Docket ID NRC–2025–0070 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–0070. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: [Helen.Chang@nrc.gov](mailto:Helen.Chang@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

**CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The Amendment No. 4 of Certificate of Compliance No. 1042, the associated changes to the technical specifications, and the safety evaluation report are available in ADAMS under Package Accession No. ML25078A248.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

George Tartal, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7150, email: [george.tartal@nrc.gov](mailto:george.tartal@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On July 29, 2025 (90 FR 35589), the NRC published a direct final rule amending its regulations in part 72 of title 10 of

the *Code of Federal Regulations* to revise the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing in the “List of approved spent fuel storage casks” to include Amendment No. 4 to Certificate of Compliance No. 1042.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on October 14, 2025. The NRC received and docketed one comment on the companion proposed rule (90 FR 35640; July 29, 2025). An electronic copy of the comment can be obtained from the Federal Rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2025–0070 and is also available in ADAMS under Accession No. ML25241A013. The NRC evaluated the comment against the criteria described in the direct final rule and determined that the comment was not significant and adverse. Specifically, the comment was outside the scope of this rulemaking. The comment did not raise a relevant issue that was not previously addressed or considered by the NRC. It did not cause the NRC to either reevaluate its position or conduct additional analysis. It did not propose a change or an addition to the rule or cause the NRC to make a change to the rule, the certificate of compliance, or the accompanying technical specifications. Therefore, this direct final rule will become effective as scheduled.

Dated: September 4, 2025.

For the Nuclear Regulatory Commission.

**Araceli Billoch Colon,**

*Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2025–17201 Filed 9–5–25; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 73**

[Docket No. FAA–2023–0504; Airspace Docket No. 21–ASO–25]

RIN 2120–AA66

**Amendment of Restricted Areas R–3004A, R–3004B, and R–3004C; Fort Gordon, GA**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends restricted areas R–3004A, R–3004B, and R–3004C

at United States (U.S.) Army Installation Management Command (IMCOM) Fort Gordon, GA. The amended airspace aligns the lateral boundaries to encompass the majority of the training complex and amends the vertical divisions for better management to activate only the airspace required to support the Army’s training. It also removes restrictions on participating aircraft operations on weekends, flight above 12,000 feet above ground level (AGL), and the requirement that weather minima exceed standard Visual Flight Rules (VFR) criteria.

**DATES:** Effective date 0901 UTC, November 27, 2025.

**ADDRESSES:** A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](https://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

**FOR FURTHER INFORMATION CONTACT:**

Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends restricted areas R–3004A, R–3004B, and R–3004C at Fort Gordon, GA, to enhance aviation safety and accommodate essential U.S. Army training activities.

**History**

The FAA published a NPRM for Docket No. FAA–2023–0504 in the **Federal Register** (88 FR 21146; April 10, 2023), proposing to amend restricted areas R–3004A, R–3004B, and R–3004C at Fort Gordon, GA. Interested parties were invited to participate in this rulemaking effort by submitting written