

**CLASS DEVIATION
FINDINGS AND DETERMINATION
DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR) PART 945 -
GOVERNMENT PROPERTY**

Findings

1. The objective of this class deviation is to update the Department of Energy Acquisition Regulation (DEAR) part 945 - *Government Property* to implement the changes to the Federal Acquisition Regulation (FAR) part 45 - *Government Property* by the Federal Acquisition Regulatory Council (FAR Council) through the Revolutionary FAR Overhaul (RFO) initiative and make other deregulatory revisions to DEAR part 945 pursuant to Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*.
2. On April 15, 2025, President Donald J. Trump issued E.O. 14275, *Restoring Common Sense to Federal Procurement*. Section 2 of the E.O. established the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.”
3. On May 2, 2025, the Office of Management and Budget (OMB) issued memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*, initiating a major overhaul of the FAR (Revolutionary FAR Overhaul, or “RFO”). The memorandum tasked the Office of Federal Procurement Policy (OFPP) with leading the RFO, in coordination with the other members of the FAR Council. The goal is to refocus the FAR on its statutory roots. To that end, the FAR is being updated to:
 - Remove language that is not required by statute
 - Remove duplicative or outdated language
 - Clarify or provide more plain language
 - Revise language for the new FAR framework
 - Retain language necessary for governmentwide acquisition standards

The OMB memorandum M-25-26 established a two phased approach to implement enterprise deregulation as follows: Phase one, FAR Council deviation guidance, and phase two, formal rulemaking. During phase one, the FAR Council issued plain language model deviation text for all applicable FAR parts.

4. On September 11, 2025, the FAR Council issued model deviation text for FAR part 45 and the corresponding sections of FAR part 52, which the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) adopted through a class deviation (Attachments 3 and 4), issued via Policy Flash 2026-04 on October 17, 2025.
5. DOE, including NNSA, is implementing E.O. 14275 and the related FAR revisions from the RFO through updates to its FAR supplement (the DEAR) via class deviations. These

class deviations update FAR references in the DEAR, and make additional substantive changes, when necessary, driven by the RFO revisions to the relevant FAR parts, and the requirements of E.O. 14275 and OMB Memorandum M-25-26.

During phase one of the RFO – when the FAR is updated via class deviations incorporating the RFO model text – the DEAR will not be updated to align with the new FAR numbering structure. Once the RFO revisions to the FAR are finalized through formal rulemaking, the DEAR will be updated through formal rulemaking to align with the revised FAR numbering structure.

6. Accordingly, DEAR part 945 is revised to update internal references following the RFO, as implemented by DOE/NNSA class deviation, make plain language edits to improve readability, including changes to the active voice, where appropriate. The plain language edits are not intended to change existing DEAR requirements, but rather to improve clarity pursuant to the federal plain language guidelines as directed by the Plain Writing Act of 2010 (Pub. L. 111-274). Additionally, revisions are made throughout the DEAR text and DEAR provisions and clauses to replace the use of the term “shall” with “must” or “will,” for consistency with the FAR.

Specifically, DEAR part 945 is updated to:

- a. Revise section 945.000 *Scope of part* to add a notation that all references within part 945 are to be read as implemented through the DOE and NNSA class deviations that implemented the RFO at DOE and NNSA. This avoids referencing the DOE/NNSA class deviations after every FAR reference, which breaks up the sentence structure, disrupts flow, and reduces readability.
- b. Revise the title of section 945.170 from “Providing Government property to contractors” to “Providing special nuclear materials to contractors” to more accurately reflect the content of the section.
- c. Delete subparts 945.3 and 945.4, which were previously marked as reserved.
- d. Reserve subpart 945.5—*Support Government Property Administration* because the content under this subpart is deleted, as follows: Delete the content and mark as reserved section 945.570 *Management of Government property in the possession of contractors*, including all subsections under it (945.570-1 *Acquisition of motor vehicles*, 945.570-2 *Disposition of motor vehicles*, and 945.570-3 *Reporting motor vehicle data*), which contained regulatory guidance regarding contractor use and management of motor vehicles under the General Services Administration’s Interagency Fleet Management System (now “GSA Fleet”). In the FAR, as revised by the RFO, motor vehicle management is addressed in part 8, section 8.105-3 *Contractor use of GSA Fleet*. This regulatory guidance will be moved to the corresponding DEAR part and revised as necessary.
- e. Reserve subpart 945.6—*Reporting, Reutilization, and Disposal* because the content under this subpart is deleted, as follows:
 - i. Delete the content and mark as reserved section 945.604 *Disposal of surplus property*, including subsection 945.604-1 *Disposal methods*

- because the content is outdated and is not required by the principles of sound procurement.
- ii. Delete the content and mark as reserved section 945.670 *DOE disposal methods*, including all subsections under it (945.670-1 *Plant clearance function*, 945.670-2 *Disposal of radioactively contaminated personal property*, and 945.671 *Contractor inventory in foreign countries*) because the content is outdated and is not required by the principles of sound procurement.
 - f. Reserve section 952.945 to align with the corresponding section in the FAR (52.245), which is reserved.
 - g. Delete the content and mark as reserved part 952, sections 952.245-2 *Government property (fixed-price contracts)* and 952.245-5 *Government property (cost-reimbursement, time-and-materials, or labor-hour contracts)* because these clauses directed contracting officers to supplement FAR clauses 52.245-2 and 52.245-1, respectively, by adding a reference to DEAR subpart 945.5; however, pursuant to section 6.d. above, subpart 945.5 is reserved by this class deviation.

Determination

In accordance with DEAR 901.404 *Class deviations*, to fully comply with the requirement of E.O. 14275 and the revised FAR part 45 (Attachment 4), it is hereby determined that a class deviation is appropriate pursuant to OMB memorandum M-25-26 (Attachment 5), using the attached deviation text for DEAR part 945 (Attachment 2) and applicable sections of DEAR part 952. Specifically, DOE/NNSA will use the deviation text for part 945 and the deviation text for the applicable sections of part 952 in lieu of the corresponding applicable sections at 48 CFR 952.245-2 and 952.245-5. Once approved, the Department will share the deviation widely among its workforce to ensure full awareness of and compliance with the revisions to the affected regulations. This class deviation is effective upon issuance and will remain in effect until cancelled or incorporated into the DEAR.

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Attachments:

1. DEAR parts 945 and 952 Deviation Text – Track Changes
2. DEAR parts 945 and 952 Deviation Text – Final
3. Class Deviation to Adopt Revolutionary FAR Overhaul (RFO) part 45 - Government Property

4. RFO FAR parts 45 and 52 Model Deviation Text
5. OMB Memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*