

States shall hold harmless and indemnify Licensee and Customer and their respective directors, officers, servants, agents, subsidiaries, employees and assignees, or any of them, from and against liability, loss or damage arising out of claims that Contractors and Subcontractors of the United States may have for Property Damage sustained by them, and for Bodily Injury or Property Damage sustained by their employees, resulting from Licensed Activities, to the extent that claims they would otherwise have for such damage or injury exceed the amount of insurance or demonstration of financial responsibility required under § 440.9(c) and (e) or § 450.9(c) and (e), respectively, of the Regulations, 14 CFR 440.9(c) and (e) or 14 CFR 450.9(c) and (e).

6. Assurances Under 49 U.S.C. 70112(e)

Notwithstanding any provision of this Agreement to the contrary, Licensee shall hold harmless and indemnify the United States and its agencies, servants, agents, employees and assignees, or any of them, from and against liability, loss or damage arising out of claims for Bodily Injury or Property Damage, resulting from Licensed Launch Activities, regardless of fault, except to the extent that: (i) As provided in section 7(b) of this Agreement, claims result from willful misconduct of the United States or its agents; (ii) claims for Property Damage sustained by the United States or its Contractors and Subcontractors exceed the amount of insurance or demonstration of financial responsibility required under § 440.9(e) or § 450.9(e) of the Regulations (14 CFR 440.9(e) or 450.9(e)); (iii) claims by a Third Party for Bodily Injury or Property Damage exceed the amount of insurance or demonstration of financial responsibility required under § 440.9(c) or § 450.9(c) of the Regulations (14 CFR 440.9(c) or 450.9(c)), and do not exceed \$1,500,000,000 (as adjusted for inflation after January 1, 1989) above such amount, and are payable pursuant to the provisions of 49 U.S.C. 70113 and § 440.19 or § 450.19 of the Regulations (14 CFR 440.19 or 450.19); or (iv) Licensee has no liability for claims exceeding \$1,500,000,000 (as adjusted for inflation after January 1, 1989) above the amount of insurance or demonstration of financial responsibility required under § 440.9(c) or § 450.9(c) of the Regulations (14 CFR 440.9(c) or 450.9(c)).

7. Miscellaneous

(a) Nothing contained herein shall be construed as a waiver or release by Licensee, Customer or the United States of any claim by an employee of the Licensee, Customer or the United States, respectively, including a member of the Armed Forces of the United States, for Bodily Injury or Property Damage, resulting from Licensed Activities.

(b) Notwithstanding any provision of this Agreement to the contrary, any waiver, release, assumption of responsibility or agreement to hold harmless and indemnify herein shall not apply to claims for Bodily Injury or Property Damage resulting from willful misconduct of any of the Parties, the Contractors and Subcontractors of any of the Parties, and in the case of Licensee and Customer and the Contractors and Subcontractors of each of them, the directors, officers, agents and employees of any of the foregoing, and in the case of the United States, its agents.

(c) In the event that more than one customer is involved in Licensed Activities, references herein to Customer shall apply to, and be deemed to include, each such customer severally and not jointly.

(d) This Agreement shall be governed by and construed in accordance with United States Federal law.

In Witness Whereof, the Parties to this Agreement have caused the Agreement to be duly executed by their respective duly authorized representatives as of the date written above.

Licensee

By: _____
Its: _____

Customer

By: _____
Its: _____

Department of Transportation

By: _____
Its: _____

[Doc. No. FAA-1999-6265, 65 FR 56699, Sept. 19, 2000; 65 FR 80991, Dec. 22, 2000]

PARTS 451-459 [RESERVED]

PART 460—HUMAN SPACE FLIGHT REQUIREMENTS

Subpart A—Launch and Reentry with Crew

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- 460.3 Applicability.
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- 460.41 Scope.
- 460.43 Applicability.
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- 460.51 Space flight participant training.
- 460.53 Security.

AUTHORITY: 49 U.S.C. 70105.

SOURCE: Docket No. FAA-2005-23449, 71 FR 75643, Dec. 15, 2006, unless otherwise noted.

Subpart A—Launch and Reentry with Crew

§ 460.1 Scope.

This subpart establishes requirements for crew of a vehicle whose operator is licensed or permitted under this chapter.

§ 460.3 Applicability.

(a) This subpart applies to:

- (1) An applicant for a license or permit under this chapter who proposes to have flight crew on board a vehicle or proposes to employ a remote operator of a vehicle with a human on board.
- (2) An operator licensed or permitted under this chapter who has flight crew on board a vehicle or who employs a remote operator of a vehicle with a human on board.
- (3) A crew member participating in an activity authorized under this chapter.

(b) Each member of the crew must comply with all requirements of the laws of the United States that apply to crew.

§ 460.5 Crew qualifications and training.

(a) Each crew member must—

- (1) Complete training on how to carry out his or her role on board or on the ground so that the vehicle will not harm the public; and
- (2) Train for his or her role in nominal and non-nominal conditions. The conditions must include—
 - (i) Abort scenarios; and
 - (ii) Emergency operations.
- (b) Each member of a flight crew must demonstrate an ability to withstand the stresses of space flight,

which may include high acceleration or deceleration, microgravity, and vibration, in sufficient condition to safely carry out his or her duties so that the vehicle will not harm the public.

(c) A pilot and a remote operator must—

- (1) Possess and carry an FAA pilot certificate with an instrument rating.
- (2) Possess aeronautical knowledge, experience, and skills necessary to pilot and control the launch or reentry vehicle that will operate in the National Airspace System (NAS). Aeronautical experience may include hours in flight, ratings, and training.
- (3) Receive vehicle and mission-specific training for each phase of flight by using one or more of the following—
 - (i) A method or device that simulates the flight;
 - (ii) An aircraft whose characteristics are similar to the vehicle or that has similar phases of flight to the vehicle ;
 - (iii) Flight testing; or
 - (iv) An equivalent method of training approved by the FAA through the license or permit process.
- (4) Train in procedures that direct the vehicle away from the public in the event the flight crew abandons the vehicle during flight; and
- (5) Train for each mode of control or propulsion, including any transition between modes, such that the pilot or remote operator is able to control the vehicle.

(d) A remote operator may demonstrate an equivalent level of safety to paragraph (c)(1) of this section through the license or permit process.

(e) Each crew member with a safety-critical role must possess and carry an FAA second-class airman medical certificate issued in accordance with 14 CFR part 67, no more than 12 months prior to the month of launch and reentry.

(f) Each crew member with a safety-critical role must possess and carry an FAA second-class airman medical certificate issued in accordance with 14 CFR part 67, no more than 12 months prior to the month of launch and reentry.

(g) Each crew member with a safety-critical role must possess and carry an FAA second-class airman medical certificate issued in accordance with 14 CFR part 67, no more than 12 months prior to the month of launch and reentry.

§ 460.7 Operator training of crew.

(a) *Implementation of training.* An operator must train each member of its crew and define standards for successful completion in accordance with § 460.5.

(b) *Training device fidelity.* An operator must