(c) The United States shall be responsible for Property Damage it sustains, resulting from Permitted Activities, regardless of fault, to the extent that claims it would otherwise have for such damage exceed the amount of insurance or demonstration of financial responsibility required under section 440.9(e) of the Regulations.

4. EXTENSION OF ASSUMPTION OF RESPONSIBILITY AND WAIVER AND RELEASE OF CLAIMS

(a) The United States shall extend the requirements of the waiver and release of claims, and the assumption of responsibility as set forth in paragraphs 2(b) and 3(b), respectively, to its Contractors and Subcontractors by requiring them to waive and release all claims they may have against Space Flight Participant, and to agree to be responsible, for any Property Damage they sustain and for any Bodily Injury, including Death, or Property Damage sustained by their own employees, resulting from Licensed Activities, regardless of fault.

(b) The United States shall extend the requirements of the waiver and release of claims, and the assumption of responsibility as set forth in paragraphs 2(b) and 3(c), respectively, to its Contractors and Subcontractors by requiring them to waive and release all claims they may have against Space Flight Participant, and to agree to be responsible, for any Property Damage the Contractors and Subcontractors sustain, resulting from Permitted Activities, regardless of fault.

5. INDEMNIFICATION

Space Flight Participant shall hold harmless and indemnify the United States and its agencies, servants, agents, subsidiaries, employees and assigns, or any of them, from and against liability, loss or damage arising out of claims brought by anyone for Property Damage or Bodily Injury, including Death, sustained by Space Flight Participant, resulting from Licensed/Permitted Activities.

6. ASSURANCES UNDER 49 U.S.C. 70112(E)

Notwithstanding any provision of this Agreement to the contrary, Space Flight Participant shall hold harmless the United States and its agencies, servants, agents, employees and assigns, or any of them, from and against liability, loss or damage arising out of claims for Bodily Injury, including Death, or Property Damage resulting from willful misconduct of any of the Parties, the Contractors, Subcontractors, and agents of the United States, and Space Flight Participant.

(c) 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.

I [name of Space Flight Participant] have read and understand this agreement and agree that I am bound by it.

Space Flight Participant

Signature: __________________________________________
Printed Name: ______________________________________

Federal Aviation Administration of the Department of Transportation on Behalf of the United States Government

By: _______________________________________________
Its: ______________________________________________

Associate Administrator for Commercial Space Transportation

PART 460—HUMAN SPACE FLIGHT REQUIREMENTS

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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.

§ 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
§ 460.19 Crew waiver of claims against U.S. Government.

Each member of a flight crew and any remote operator must execute a reciprocal waiver of claims with the Federal Aviation Administration of the United States.
Department of Transportation in accordance with the requirements of part 440.

§§ 460.20–460.40 [Reserved]

Subpart B—Launch and Reentry with a Space Flight participant

§ 460.41 Scope.

This subpart establishes requirements for space flight participants on board a vehicle whose operator is licensed or permitted under this chapter.

§ 460.43 Applicability.

This subpart applies to:

(a) An applicant for a license or permit under this chapter who proposes to have a space flight participant on board a vehicle;

(b) An operator licensed or permitted under this chapter who has a space flight participant on board a vehicle; and

(c) A space flight participant in an activity authorized under this chapter.

§ 460.45 Operator informing space flight participant of risk.

(a) Before receiving compensation or making an agreement to fly a space flight participant, an operator must satisfy the requirements of this section. An operator must inform each space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type. An operator must present this information in a manner that can be readily understood by a space flight participant with no specialized education or training, and must disclose in writing—

(1) For each mission, each known hazard and risk that could result in a serious injury, death, disability, or total or partial loss of physical and mental function;

(2) That there are hazards that are not known; and

(3) That participation in space flight may result in death, serious injury, or total or partial loss of physical or mental function.

(b) An operator must inform each space flight participant that the United States Government has not certified the launch vehicle and any reentry vehicle as safe for carrying crew or space flight participants.

(c) An operator must inform each space flight participant of the safety record of all launch or reentry vehicles that have carried one or more persons on board, including both U.S. government and private sector vehicles. This information must include—

(1) The total number of people who have been on a suborbital or orbital space flight and the total number of people who have died or been seriously injured on these flights; and

(2) The total number of launches and reentries conducted with people on board and the number of catastrophic failures of those launches and reentries.

(d) An operator must describe the safety record of its vehicle to each space flight participant. The operator’s safety record must cover launch and reentry accidents and human space flight incidents that occurred during and after vehicle verification performed in accordance with § 460.17, and include—

(1) The number of vehicle flights;

(2) The number of accidents and human space flight incidents as defined by section 401.5; and

(3) Whether any corrective actions were taken to resolve these accidents and human space flight incidents.

(e) An operator must inform a space flight participant that he or she may request additional information regarding any accidents and human space flight incidents reported.

(f) Before flight, an operator must provide each space flight participant an opportunity to ask questions orally to acquire a better understanding of the hazards and risks of the mission, and each space flight participant must then provide consent in writing to participate in a launch or reentry. The consent must—

(1) Identify the specific launch vehicle the consent covers;

(2) State that the space flight participant understands the risk, and his or her presence on board the launch vehicle is voluntary; and

(3) Be signed and dated by the space flight participant.
§ 460.49 Space flight participant waiver of claims against U.S. Government.
Each space flight participant must execute a reciprocal waiver of claims with the Federal Aviation Administration of the Department of Transportation in accordance with the requirements of part 440 of this chapter.

§ 460.51 Space flight participant training.
An operator must train each space flight participant before flight on how to respond to emergency situations, including smoke, fire, loss of cabin pressure, and emergency exit.

§ 460.53 Security.
An operator must implement security requirements to prevent any space flight participant from jeopardizing the safety of the flight crew or the public. A space flight participant may not carry on board any explosives, firearms, knives, or other weapons.

PARTS 461–1199 [RESERVED]