FAA WAIVER OF CLAIMS AND ASSUMPTION OF RESPONSIBILITY FOR LICENSED ACTIVITIES:

With acceptance of this Order Supplier hereby agrees to the WAIVER OF CLAIMS AND ASSUMPTION OF RESPONSIBILITY FOR LICENSED ACTIVITIES the full text which can be found at 14 CFR Appendix B to Part 440.

This agreement is entered into on the same date as this Purchase Order is signed by Seller, by and among [Licensee] (the “Licensee”), [Customer] (the “Customer”) and the Federal Aviation Administration of the Department of Transportation, on behalf of the United States Government (collectively, the “Parties”), to implement the provisions of §440.17(c) of the Commercial Space Transportation Licensing Regulations, 14 CFR Ch. III (the “Regulations”). This agreement applies to the launch of a payload on a Launch Vehicle at the Launch Site. In consideration of the mutual releases and promises contained herein, the Parties hereby agree as follows:

Waiver and Release of Claims  (a) Licensee hereby waives and releases claims it may have against Customer, the United States, any Part 440 Customer, and each of their respective Contractors and Subcontractors, for Property Damage it sustains and for Bodily Injury or Property Damage sustained by its own employees, resulting from Licensed Activities, regardless of fault. (b) Customer hereby waives and releases claims it may have against Licensee, the United States, any other customer, and each of their respective Contractors and Subcontractors, for Property Damage it sustains and for Bodily Injury or Property Damage sustained by its own employees, resulting from Licensed Activities, regardless of fault. (c) The United States hereby waives and releases claims it may have against Licensee, Customer, any Part 440 Customer, and each of their respective Contractors and Subcontractors, for Property Damage it sustains, and for Bodily Injury or Property Damage sustained by its own employees, resulting from Licensed Activities, regardless of fault, to the extent that claims it 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), respectively, of the Regulations.