

SPACE ACT AGREEMENT AMENDMENT EIGHT
BETWEEN
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
AND
ORBITAL SCIENCES CORPORATION
FOR
COMMERCIAL ORBITAL TRANSPORTATION SERVICES DEMONSTRATION
(COTS)

PURPOSE AND AGENCY COMMITMENT

The purpose of this Amendment is to modify Space Act Agreement (SAA) NNJ08TA32S to add clarifying language to ARTICLE 10: LIABILITY AND RISK OF LOSS and to make a minor editorial update to Milestone 18. This modification clarifies the existing cross-waiver ensuring it is understood to be consistent with the Agreement Among the Government of Canada, Governments of the Member States of the European Space Agency, The Government of Japan, The Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station and the Memorandum of Understanding Between the National Aeronautics and Space Administration of the United States of America and the Government of Japan Concerning Cooperation on the Civil International Space Station. JAXA is providing these services to NASA to support the Orbital COTS mission and the Orbital use of the PROX system. The clarifying language in ARTICLE 10 is regarding the activities that JAXA will be performing for Proximity Ops related to this SAA between NASA and Orbital Sciences Corporation. This amendment also contains an editorial update to the success criteria description for Milestone 18: Systems Demonstration Flight Launch Vehicle Stage 1 Assembly Complete.

Article 10 is amended as follows:

ARTICLE 10. LIABILITY AND RISK OF LOSS

The following text is added to the end of section A.3

(g) For avoidance of doubt, Orbital agrees that this cross waiver applies to the proximity operations services NASA will provide to Orbital. Therefore, Orbital waives all claims against JAXA and its related entities in the performance of such services provided under the Proximity Operations Contract NNJ10GA22C.

The success criteria for the milestone 18 is updated as per the following:

APPENDIX 2 – MILESTONES AND SUCCESS CRITERIA
CARGO DEMONSTRATION FLIGHT
Capability A and B

<p>Milestone 18: Systems Demonstration Flight Launch Vehicle Stage 1 Assembly Complete</p> <p>Orbital shall complete assembly of the launch vehicle's first stage. The first stage consists of the Stage 1 core tank structure, the stage 1 Main Engine System (MES), the MES heat shield, the aft skirt, the forward skirt, the avionics, the cable harnesses, and the ordnance.</p> <p>Success Criteria: The Systems Demonstration flight launch vehicle Stage 1 is declared ready for its next stage of integration into the overall launch vehicle per Orbital standards. Stage test data is complete and documented. Work package data is complete.</p>	<p>Amount: \$2,500,000 Date: September 2011</p>
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ARTICLE 28. SIGNATURE BLOCK

The terms and conditions of this Space Act Agreement, as modified by this Amendment are hereby incorporated herein.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

BY: Douglas R. Cooke
Douglas R. Cooke
Associate Administrator,
Exploration Systems Mission Directorate

DATE: 8/12/2011

ORBITAL SCIENCES CORPORATION

BY: Antonio L. Elias
Dr. Antonio L. Elias
Executive Vice President and General
Manager, Advanced Programs Group

DATE: 20 JULY 2011