

National Aeronautics and
Space Administration
Dryden Flight Research Center
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Reply to Attn. of:

Office of the Chief Counsel

June 22, 2007

TO: Distribution

FROM: Chief Counsel

SUBJECT: Approval for DFRC Employees with Senior Institutional or Program Responsibilities to Attend a SOFIA Program Reception hosted by USRA

In accordance with 5 C.F.R. § 2635.204(g)(2) and (3), I make the following determination:

Certain NASA Dryden Flight Research (DFRC) employees with senior institutional or program responsibilities with regard to the Stratospheric Observatory For Infrared Astronomy (SOFIA) program have been invited to attend a reception sponsored by Universities Space Research Associates (USRA) on the evening of June 27, 2007, at the Antelope Valley Country Club in Palmdale, California. The purpose of the reception is to celebrate the recent arrival and roll-out of the SOFIA 747-SP aircraft at DFRC.

The aircraft was ferried to Dryden on May 31, 2007 from Waco, Texas, where a German-built 2.5-meter infrared telescope was installed and other major modifications to the plane were made over the past several years. SOFIA will undergo installation and integration of mission systems and a multi-phase flight test program at DFRC over the next three years that is expected to lead to a full operational capability to conduct astronomy missions in about 2009. During its expected 20-year lifetime, SOFIA will be capable of "Great Observatory" class astronomical science, providing astronomers with access to the visible, infrared and sub-millimeter spectrum, with optimized performance in the mid-infrared to sub-millimeter range.

The reception will follow a day of SOFIA program activities for employees at DFRC, which will feature presentations by Kevin Petersen, NASA DFRC Director; Dr. Pete Worden, NASA Ames Research Center (ARC) Director; Richard Howard, NASA Deputy Director, Astrophysics Division; Werner Klinkmann, DLR (German Space Agency) Deputy Head of Space Science; Erik Lindbergh (grandson of Charles Lindbergh), who will rededicate the SOFIA 747-SP aircraft; and Alan Stern, NASA Associate Administrator for Science.

The evening reception will be a widely-attended gathering, consisting of approximately 240 representatives from NASA, other government and military organizations, industry,

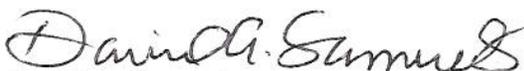
and educational institutions, as well as other dignitaries, their spouses and guests. The cost of the event, which will include appetizers, dinner, desert, and refreshments, will be approximately \$85.00 per person. I find that the reception meets the requirements of a "widely-attended gathering," as defined in 5 C.F.R. § 2635.204(g)(2).

USRA is a contractor company that is currently involved in the SOFIA program and other significant contractual matters relating to NASA. The DFRC personnel invited to attend this event included on this distribution are presently, or may in the near future, have extensive involvement in matters relating to USRA's business interests. These personnel are similarly situated in that they each have senior institutional or program responsibilities that could significantly influence current or future USRA contracts.

I have determined that free attendance of these senior institutional and program leaders at the evening reception is in the interests of NASA because it will further Agency programs and operations. The attendance of these senior NASA employees at the event will help to raise NASA's profile with national and local business, educational and governmental leaders, will contribute to community relations, and will support NASA's statutory mandate to disseminate information about its programs.

Given the purpose of the reception, NASA's interest in it, the broad attendance anticipated, and the relatively modest market value of the event, I have determined that the value to the Agency in having these senior institutional and program leaders attend this event outweighs any concern that free attendance may or may appear to improperly influence them in the performance of their duties.

Accordingly, the DFRC employees included on this distribution may accept free attendance at the event. They may also accept similar invitations for accompanying spouses or guests.


David A. Samuels

Distribution:

X/Kevin Petersen
X/Chuck Johnson
XP/Robert Meyer
XP/John Carter
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R/Rob Anderson