National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001

April 2, 2013

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at a Launch Viewing at U-40 in Wallops Island, hosted by Orbital Sciences Corporation, Aerojet, and ATK on or around April 17, 2013

On launch day, currently anticipated to be on or around April 17, 2013, Orbital Sciences Corporation (Orbital) will host a launch viewing along with industrial partners Aerojet and ATK at U-40 in Wallops Island, from 2 pm to 7 pm. This event will be a launch viewing for all invited guests to the test flight of the Antares medium class launch vehicle at the new Wallops Launch Pad.

Approximately 900 guests have been invited to attend. Invitees include representatives of the U.S. legislative branch, state and local government organizations, industry, academia, and personnel from other Federal agencies. The value of the event, which includes all food, refreshments, and on-location transit immediately incident to the viewing location, will be approximately $30.00 per person. I find that the event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g)(2).

I further determine that free attendance at the above mentioned event is in the interest of the agency because it will further agency programs and operations. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. Accordingly, NASA employees (subject to the exceptions noted below) who have been invited to attend may accept free attendance at the event. They may also accept invitations for accompanying spouses or guests.

However, NASA employees whose duties may substantially affect an event sponsor, such as by way of contracting duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i), regarding participation in this event from their local ethics counselor. Moreover, NASA employees who are in non-career positions in which Executive Order 13490 requires signing an ethics pledge may only attend if they reimburse the sponsors the value of the event and any gift items accepted for themselves and any accompanying guest.

Attendees are reminded of the $20 gift exception at *5 C.F.R. § 2635.204(a), which provides that employees may accept gifts valued at no more than $20 per occasion (and no more than $50 from one source in a calendar year). We understand that Orbital will be distributing hand sanitizer, sunscreen, bug spray, mission patch and 6" tall miniature model rockets with a total value under $20.*

Adam F. Greenstone