

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

03/30/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 12/17/2004.

TITLE: Weather Modification Activities Reports

AGENCY FORM NUMBER(S): 17-4,17-4A,17-4B

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0025

EXPIRATION DATE: 03/31/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	110	330	0
New	165	330	0
Difference	55	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE:

The agency is instructed to reexamine its statement that a electronic submission is not possible for this program because of the requirement for a physical signature. The agency should initiate rulemaking to amend its rules to allow for electronic signatures, if that is the sole source of the prohibition, and electronic communications.

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OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span>                  a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities                  Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p>    1. Percentage of these responses collected electronically _____ %</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p>    1. Program change _____</p> <p>    2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&amp;M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p>    1. Program change _____</p> <p>    2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p>    1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p>    4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p>    7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT**  
**WEATHER MODIFICATION ACTIVITIES REPORTS**  
**OMB CONTROL NO. 0648-0025**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

P.L. 92-205, enacted December 18, 1971 (amended by Public Law 94-490, Section 6(b), October 15, 1976) requires that all non-federal weather modification activities in the United States and its territories be reported to the Secretary of Commerce. The National Oceanic and Atmospheric Administration has implemented the Act and the current reporting requirements are published in the Code of Federal Regulations (15 CFR 908).

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.**

Respondents to this data collection are operators of aircraft which engage in cloud-seeding and other related activities in an attempt to "modify" the weather, i.e., to increase precipitation, mitigate hail, and disperse fog. They are required to file two one-page reports annually. Each project must file with NOAA an initial report (Form 17-4) and a final report (Form 17-4A) - or an interim report on the same form if the project continues beyond December 31. The respondent is also required to maintain a record of activities for each day on which he conducts weather modification activities (Form 17-4B).

NOAA assembles, analyzes, and retains records of reported weather modification activities, makes the records publicly available to the fullest extent practicable, and publishes summaries from time to time. The intent of the program is to increase expertise in the field of weather modification, to allow scientists and other concerned persons to have access to information on current and past efforts at weather modification, to help avoid unneeded and wasteful duplications, to aid in preventing territorial overlapping of weather modification operations, to provide data to assess possible harmful or dangerous activities, and to furnish information to check both desirable and undesirable atmospheric changes against records of weather modification efforts.

To meet this objective, information is collected on the location and size of the target area, names and addresses of sponsors and operators, beginning and ending dates of the project, specific purpose, description of apparatus and seeding agents to be used, number of days of operations, number of hours of operations of each type of weather modification apparatus, and total amount of seeding agent used.

The reports of weather modification activities on file with NOAA as a result of the reporting program furnish useful information for several purposes. Persons planning projects, writing news articles, or preparing term papers request historical and current data for individual states, regions, or the United States. Congressional staffs, Federal and State officials, and private citizens inquire or complain about weather modification activities that are thought to be associated with adverse weather conditions. On occasion, plaintiffs, defendants, or their lawyers ask for records of activities in connection with law suits. Even the practitioners upon whom the reporting burden is placed are interested in the level of activity throughout the country, and summary reports have been prepared (at their request) for publication in their association journal in the years when an official NOAA report has not been published. The data contained in the reports are also used to provide information (1) required by a March 26, 1975, U.S.-Canada agreement to exchange information on weather modification activities within 200 miles of our common boundary and (2) to the World meteorological Organization (WMO) for publication in its yearly "Register of National Weather Modification Projects".

The information collection is designed to yield data that meet applicable information quality guidelines. Prior to any dissemination, the information will meet the quality control measures and pre-dissemination review requirements of the NOAA Information Quality Guidelines (see <http://www.noaanews.noaa.gov/stories/iq.htm> ).

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Beginning in 2000, the NOAA Forms 17-4 and 17-4A became available on the Internet in order for the respondents to have the capability of being able to fill-out and print forms on-line. However, the forms can not be submitted electronically at this time because the forms are required to be signed by the equipment operator. The forms are still required to be mailed to the NOAA - Weather Modification Reporting Office in Silver Spring, MD. The NOAA Forms 17-4 and 17-4A are still available by mail to those who do not have access to a computer.

**4. Describe efforts to identify duplication.**

NOAA is the only organization/activity collecting this information.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

To the best of our knowledge, this reporting activity has no significant impact on small businesses, organizations, or government entities. Only minimal information is required and the forms are designed to minimize the burden on the reporting entity.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Current information is needed to respond to Congressional and public requests for information, and most projects require only an initial and final report each year. Lack of this information would render the Government unable to comply with requests for data as outlined in paragraph 2, above, and the data that is used for so many purposes would be unavailable.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

This collection is being conducted in a manner consistent with the guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this renewal.

Comment 1: I would appreciate a copy of the form that is filled out by those who affect the weather. I consider the information environmentally important. I would appreciate also knowing who sent you these forms last year to do what. This is very disturbing to know that our weather can be affected.

Response: Mailed letter to commenter thanking him/her for their interest and concern and enclosed copies of SF-17-4 Initial Report of Weather Modification Activities and SF-17-4A Interim/Final Report of Weather Modification Activities, and Summary of Weather Modification Activities. Also outlined Section 8 of the Initial Report which states the safety and environmental regulations.

Comment 2: I have comments on the weather modification forms. Firstly I see no data on anything harmful happening with the weather from the form submitted. Is there every anything harmful allowed by this agency? Does DOC stop dangerous weather projects?

Response: Emailed response to commenter thanking him/her for their comments. Explained that the intent of the program was to increase expertise in the field of weather modification, to allow scientists and other concerned persons to have access to information on current and past efforts

at weather modification, to help avoid unneeded and wasteful duplications, to aid in preventing territorial overlapping of weather modification operations, to provide data to assess possible harmful or dangerous activities, and to furnish information to check both desirable and undesirable atmospheric efforts. To meet this objective, information is collected on the location and size of the target area, names and addresses of sponsors and operators, beginning and ending dates of the project, specific purpose, description of apparatus and seeding agents to be used, number of days of operations, number of hours of operations of each type of weather modification apparatus, and total amount of seeding agent used. Also pinpointed that fact that the Report is required by Public Law 92-205; 85 Sate. 735; 145 U.S.C. 330b. and that knowing and willful violation of any rule adopted under the authority of Section 2 of Public Law 92-205 shall subject the person violating the rule is subject to a fine not more than \$10,000 upon conviction thereof.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments, gifts, or remuneration of any kind are provided.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

N/A.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

We expect approximately 55 respondents annually. They are required to file two one-page reports annually. Each project must file with NOAA an initial report (Form 17-4) and a final report (Form 17-4A - or an interim report on the same form if the project continues beyond December 31). The respondent is also required to maintain a record of activities for each day on which he conducts weather modification activities (Form 17-4B). The daily log of activities is not submitted to NOAA, but must be maintained for three years and must be available for inspection at the place where normally kept. The annual burden for these activities is estimated to be:

55 respondents x 1 Form 17-4 x .5 hours = 27.5 hours  
55 respondents x 1 Form 17-4A x .5 hours = 27.5 hours  
55 responses x 5 hours recordkeeping = 275 hours



Total: 330 hours.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

The annual cost burden for copying, mailing, minimal long-distance telephone costs, and filing is approximately \$4.00 - \$5.00 per respondent. 55 respondents X \$5 = \$275.

**14. Provide estimates of annualized cost to the Federal government.**

The total annual cost to the Federal Government of this reporting is estimated at \$12,848.

Personnel compensation	\$8,250
Personnel benefits	1,898
Transportation of things	0
Rents, Communications, Utilities	1,500
Printing and Reproduction	1,200

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

N/A.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The data is used by special request, i.e., responses to various queries, except for an annual report which is provided to the National Weather Service (NWS) for transmittal to the World Meteorological Report. This report is a compilation of fiscal year data and is sent to NWS on a spreadsheet.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

N/A.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

N/A.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

N/A.

Complete in accordance with instructions on reverse and forward copy:				Form Approved: OMB No. 0648-0025 Expires 12/31/2007			
TO: National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research 1315 East-West Highway SSMC-3 Room 11554 Silver Spring, MD 20910				NOAA FORM 17-4 U.S. DEPARTMENT OF COMMERCE (4-81) NAT'L OCEANIC AND ATMOSPHERIC ADM. <b>INITIAL REPORT ON WEATHER MODIFICATION ACTIVITIES</b> (P.L. 205, 92 <sup>ND</sup> . CONGRESS)			
1. PROJECT OR ACTIVITY DESIGNATION, IF ANY				2. DATES OF PROJECT			
3. PURPOSE OF PROJECT OR ACTIVITY				a. DATE FIRST ACTUAL WEATHER MODIFICATION ACTIVITY IS TO BE UNDERTAKEN			
				b. EXPECTED TERMINATION DATE OF WEATHER MODIFICATION ACTIVITIES			
4. (a) SPONSOR				4. (b) OPERATOR			
NAME				NAME			
AFFILIATION			PHONE NUMBER	AFFILIATION			PHONE NUMBER
STREET ADDRESS				STREET ADDRESS			
CITY		STATE	ZIP CODE	CITY		STATE	ZIP CODE
5. TARGET AND CONTROL AREAS (See Instructions)							
TARGET AREA				CONTROL AREA			
LOCATION			SIZE OF AREA SQ.MI.	LOCATION			SIZE OF AREA SQ.MI.
6. DESCRIPTION OF WEATHER MODIFICATION APPARATUS, MODIFICATION AGENTS AND THEIR DISPERSAL RATES, THE TECHNIQUES EMPLOYED, ETC. (See Instructions)							
7. LOG BOOKS: <i>Enter name, affiliation, address, and telephone number of responsible individual from whom log books or other records may be obtained.</i>							
NAME				THIS REPORT IS REQUIRED BY PUBLIC LAW 92-205; 85 STAT 735; 15 U.S.C. 330b. KNOWING AND WILLFUL VIOLATION OF ANY RULE ADOPTED UNDER THE AUTHORITY OF SECTION 2 OF PUBLIC LAW 92- 205 SHALL SUBJECT THE PERSON VIOLATING SUCH RULE TO A FINE OF NOT MORE THAN \$10,000, UPON CONVICTION THEREOF.			
AFFILIATION			PHONE NUMBER				
STREET ADDRESS							
CITY		STATE	ZIP CODE				
8. SAFETY AND ENVIRONMENT							
YES	NO	Has an Environmental Impact Statement, Federal or State been filed? If yes, please furnish a copy as applicable.					
YES	NO	Have provisions been made to acquire the latest forecasts, advisories, warnings, etc. of the National Weather Service, Forest Service, or others when issued prior to and during operations? If yes, please specify on a separate sheet.					
YES	NO	Have any safety procedures ( <i>operational constraints, provisions for suspension of operations, monitoring methods, etc.</i> ) and any environmental guidelines ( <i>related to the possible effects of the operations</i> ) been included in the operational plans? If yes, please furnish copies or a description of the specific procedures and guidelines.					
9. OPTIONAL REMARKS (See Instructions. Use Separate Sheet.)							
NAME				CERTIFICATION: I certify that the above statements are true, complete and correct to the best of my knowledge and belief.			
AFFILIATION				SIGNATURE			
STREET ADDRESS				OFFICIAL TITLE			
CITY		STATE	ZIP CODE	DATE		PHONE NUMBER	

## INSTRUCTIONS FOR INITIAL REPORT ON WEATHER MODIFICATION ACTIVITIES

One completed copy of this form is to be received 10 days\* or more prior to actual modification activities. A NOAA file number will be assigned by the Administrator after receipt of the initial report for each project or activity.

A supplemental report in a letter form referring to the appropriate NOAA file number must be made to the Administrator if the "Initial Report" is found to contain any material inaccuracies, misstatements, and omissions, or if there are changes in plans for the project or activity.

\*For exceptions, see Sections 908.4(b) and (c), Part 908 of Title 15, Code of Federal Regulations.

- Item 1. Enter designation, if any, used by operator for the project or activity.
- Item 2. Enter: (a) Date first actual weather modification activity is to be undertaken;  
(b) Date on which final weather modification activity is expected to occur.
- Item 3. Enter the purpose of the project or activity: e.g., rainfall increase, hail suppression, cold fog dispersal, etc.
- Item 4. Enter: (a) Name, phone number, affiliation, and address of the primary person for whom the project is to be performed (sponsor).  
  
(b) Name, phone number, affiliation, and address of the person primarily responsible for carrying out the project (operator).
- Item 5. A map should be attached showing size and location of target area, control area, coded number and location of each item of ground-based weather modification apparatus and coded number and location of key raingages, radars, or other precipitation measuring devices. Also show location of airport for airborne operations.
- Item 6. Describe the weather modification apparatus, modification agents, and the techniques to be used. This would include type of ground or airborne apparatus to be used, type of modification material to be dispensed, rate of dispensing material in grams per hour or other appropriate units, type of precipitation gages to be used in target and control areas, and any other pertinent information such as type of radars, type of aircraft to be used, techniques to be employed, (e.g., cloud base seeding at 10,000 feet msl).
- Item 7. List name, phone number, affiliation, and address of the responsible individual from whom log books or other records may be obtained.
- Item 8. Provide applicable answers to questions as indicated.
- Item 9. This item is to permit the reporting person to include any information not covered by items 1 through 8 but which he feels is significant or of interest. It is also to be used to include any information not covered elsewhere that the Administrator may request.

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# INFORMATION PROVIDED UNDER THE PROVISIONS OF THE PAPERWORK REDUCTION ACT OF 1995

The Paperwork Reduction Act of 1995 requires that individuals or organizations be provided with the following information if they provide information on paper forms which are collected by the Federal Government. (This includes reports required of weather modification activities.)

1. Public Law 92-205, enacted December 18, 1971 (amended by Public Law 94-490, Section 6(b), October 15, 1976) requires that all non-federal weather modification activities in the United States and its territories be reported to the Secretary of Commerce. The National Oceanic and Atmospheric Administration has implemented the Act and the current reporting requirements are published in the Catalog of Federal Regulations (15 CFR 908).
2. The intent of the program is to increase expertise in the field of weather modification, to allow scientists and other concerned persons to have access to information on current and past efforts at weather modification, to help avoid unneeded and wasteful duplications, to aid in preventing territorial overlapping of weather modification operations, to provide data to assess possible harmful or dangerous activities, and to furnish information to check both desirable and undesirable atmospheric changes against records of weather modification efforts. To meet this objective, information is collected on the location and size of the target area, names and addresses OF sponsors and operators, beginning and ending dates of the project, specific purpose, description of apparatus and seeding agents to be used, number of days of operations, number of hours of operations of each type of weather modification apparatus, and total amount of seeding agent used.
3. Public reporting burden for this collection of information is estimated to average 40 hours for reporting and 200 hours for record keeping, based on one-half hour per response on Form 17-4 and one-half hour per response on Form 17-4A, and five hours per record keeper. It is estimated that the time per response is approximately the same across all respondents. Send comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing this burden to: Ms. Karen King, DOC/NOAA/OAR, 1315 East West Highway, Silver Spring, MD 20910.
4. Reporting of this information under Public Law 92-205, enacted December 18, 1971 (amended by Public Law 94-490, Section 6(b), October 15, 1976) is mandatory.
5. Confidentiality is not a requirement for this reporting; no sensitive information is required.
6. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

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September 1, 2000  
Expires 12/31/2007

**INTERIM ACTIVITY REPORTS AND FINAL REPORT**

This report is required by Public Law 92-205; 85 Stat. 735; 145 U.S.C. 330b. Knowing and willful violation of any rule adopted under the authority of Section 2 of Public Law 92-205 shall subject the person violating such rule to a fine of not more than \$10,000, upon conviction thereof.

NOAA FILE NUMBER

INTERIM  
REPORT

FINAL  
REPORT

Complete in accordance with instructions on reverse and forward one copy to:  
National Oceanic and Atmospheric Administration  
Office of Oceanic and Atmospheric Research  
1315 East-West Highway SSMC-3 Room 11554  
Silver Spring, MD 20910

REPORTING PERIOD

FROM

TO

MONTH	(a) NUMBER OF MODIFICATION DAYS	(b) NUMBER OF MODIFICATION DAYS PER MAJOR PURPOSE			(c) HOURS OF APPARATUS OPERATION BY TYPE		(d) TYPE AND AMOUNT OF AGENT USED						
		INCREASE PRECIPITA- TION	ALLEVIATE		OTHER	AIRBORNE	GROUND	SILVER IODIDE	CARBON DIOXIDE	UREA	SODIUM CHLORIDE	OTHER	
			HAIL	FOG									
JANUARY													
FEBRUARY													
MARCH													
APRIL													
MAY													
JUNE													
JULY													
AUGUST													
SEPTEMBER													
OCTOBER													
NOVEMBER													
DECEMBER													
TOTAL													
TOTALS FOR FINAL REPORT													

DATE ON WHICH FINAL WEATHER MODIFICATION ACTIVITY OCCURRED *(For Final Report only.)*

**CERTIFICATION:** I certify that all statements in this report on this weather modification project are complete and correct to the best of my knowledge and are made in good faith.

NAME OF REPORTING PERSON

AFFILIATION

SIGNATURE

STREET ADDRESS

OFFICIAL TITLE

CITY

STATE

ZIP CODE

DATE

## INSTRUCTIONS FOR INTERIM AND FINAL REPORTS

Any person engaged in any weather modification project or activity in the United States on January 1 in any year shall submit one copy of this form setting forth as of such date the information required with respect to each such continuing project or activity not previously furnished in a prior interim report. The box indicating "Interim Report" should be checked. The January 1 date shall not apply if other arrangements have previously been made with the written approval of the Administrator of NOAA. The report shall be received by NOAA not later than 45 days following the end of the reported period.

Upon completion of a project or activity one copy of this report shall be submitted and the box checked indicating "Final Report." The final report shall be received by NOAA not later than 45 days after the completion of the project or activity.

The NOAA File Number should be filled in for any project for which the Administrator has assigned a file number.

A supplemental report in letter form referring to the appropriate NOAA file number must be made to the Administrator if the "Interim" or "Final" reports are found to contain any material inaccuracies, misstatements, and omissions.

### INTERIM REPORT

The information in Items (a) through (d) on the report form should be provided as prescribed below for the months to which the report pertains. If no data are applicable for any given item in any month, enter zero.

- Item (a). Enter number of days on which actual weather modification activities took place.
- Item (b). Enter in the appropriate column number of days on which modification activities were conducted, segregated by each of the major purposes of the activities. Normally, the total of entries in (b) would equal total in (a).
- Item (c). Enter in the appropriate column total number of hours of operation of each type of weather modification apparatus, (i.e., net hours of agent release). If the form does not contain sufficient space, report additional types on a separate sheet.
- Item (d). Enter in the appropriate column total amount of agent used, by type. If the form does not contain sufficient space, report additional types on a separate sheet. **Silver Iodide (grams), Carbon Dioxide (pounds), Urea (gallons), Sodium Chloride (grams), Other (indicate on a separate sheet the type and unit of measure).**

The totals for these items shall be provided for the period covered by the interim report.

### FINAL REPORT

The final report shall contain the information required for interim reports, to the extent not previously reported. In addition, the items designated as "Totals for Final Report" should be reported. This information should pertain to the entire project or activity period, rather than only the period since the last interim report. At the space at the end of the form, enter the date on which final weather modification activity occurred.

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# INFORMATION PROVIDED UNDER THE PROVISIONS OF THE PAPERWORK REDUCTION ACT OF 1995

The Paperwork Reduction Act of 1995 requires that individuals or organizations be provided with the following information if they provide information on paper forms which are collected by the Federal Government.

1. Public Law 92-205, enacted December 18, 1971 (amended by Public Law 94-490, Section 6(b), October 15, 1976) requires that all non-federal weather modification activities in the United States and its territories be reported to the Secretary of Commerce. The National Oceanic and Atmospheric Administration has implemented the Act and the current reporting requirements are published in the Catalog of Federal Regulations (15 CFR 908).

2. The intent of the program is to increase expertise in the field of weather modification, to allow scientists and other concerned persons to have access to information on current and past efforts at weather modification, to help avoid unneeded and wasteful duplications, to aid in preventing territorial overlapping of weather modification operations, to provide data to assess possible harmful or dangerous activities, and to furnish information to check both desirable and undesirable atmospheric changes against records of weather modification efforts. To meet this objective, information is collected on the location and size of the target area, names and addresses of sponsors and operators, beginning and ending dates of the project, specific purpose, description of apparatus and seeding agents to be used, number of days of operations, number of hours of operations of each type of weather modification apparatus, and total amount of seeding agent used.

3. Public reporting burden for this collection of information is estimated to average .5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing this burden, to Ms. Karen King, DOC/NOAA/OAR, 1315 East West Highway, Silver Spring, MD 20910.

4. Reporting of this information under PUBLIC Law 92-205, enacted December 18, 1971 (amended by Public Law 94-490, Section 6(b), October 15, 1976) is mandatory.

5. Confidentiality is not a requirement for this reporting; no sensitive information is required.

6. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

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August 1, 1998

Expires 12/31/2007



### § 905.3

*Vessel* means any vessel as defined at 16 U.S.C. 1802(31).

*Voluntary fishery data collector* means:

- (1) Any person, including an observer or a sea sampler;
- (2) Placed aboard a vessel by the Secretary;
- (3) For the purpose of collecting information; and
- (4) Whose presence aboard that vessel is not required by the Secretary pursuant to provisions of the Magnuson Act, MMPA, or ESA, or their implementing regulations.

#### § 905.3 Access to information.

Information collected by a voluntary fishery data collector:

- (a) Is subject to disclosure to both the Secretary and the public, to the extent required or authorized by law; and
- (b) Is subject to discovery by any party to an enforcement proceeding, to the extent required or authorized by law.

#### § 905.4 Use of information.

(a) Except as provided for in paragraph (b) of this section, information collected by a voluntary fishery data collector may not be introduced by the Secretary as evidence against any consenting owner that is a party to an enforcement proceeding.

(b) Provided that all applicable evidentiary requirements are satisfied:

(1) Information collected by a voluntary fishery data collector may be introduced in an enforcement proceeding by any party except the Secretary;

(2) If information is introduced pursuant to paragraph (b)(1) of this section, all information collected by a voluntary fishery data collector may be introduced by any other party, including the Secretary.

(c) Independent evidence derived from information collected by a voluntary fishery data collector may be introduced by any party, including the Secretary, in an enforcement proceeding.

#### § 905.5 Exceptions.

The provisions of this part shall not apply in any enforcement proceeding against a consenting owner that alleges the actual or attempted:

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(a) Assault, intimidation, or harassment (including sexual harassment) of any person; or

(b) Impairment or interference with the duties of a voluntary fishery data collector.

## PART 908—MAINTAINING RECORDS AND SUBMITTING REPORTS ON WEATHER MODIFICATION ACTIVITIES

Sec.

- 908.1 Definitions.
- 908.2 Persons subject to reporting.
- 908.3 Activities subject to reporting.
- 908.4 Initial report.
- 908.5 Interim reports.
- 908.6 Final report.
- 908.7 Supplemental reports.
- 908.8 Maintenance of records.
- 908.9 Retention of records.
- 908.10 Penalties.
- 908.11 Maintenance of records of related activities.
- 908.12 Public disclosure of information.
- 908.13 Address of letters.
- 908.14 Business to be transacted in writing.
- 908.15 Times for taking action; expiration on Saturday, Sunday, or holiday.
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- 908.18 Matters not specifically provided for in rules.
- 908.19 Publication of notice of proposed amendments.
- 908.20 Effective date.
- 908.21 Report form.

AUTHORITY: Pub. L. 92-305, 85 Stat. 735, December 18, 1971.

SOURCE: 41 FR 23394, June 10, 1976, unless otherwise noted.

#### § 908.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Administrator*. The Administrator of the National Oceanic and Atmospheric Administration.

(b) *Person*. Any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, except where acting solely as an employee, agent, or independent contractor of the Federal government.

(c) *Weather modification activity*. Any activity performed with the intention of producing artificial changes in the

composition, behavior, or dynamics of the atmosphere.

(d) *United States.* The several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

(e) *Persons whose activities relate to weather modification.* Persons engaged in weather modification activities or engaged in the distribution or sale of weather modification apparatus or materials known by them to be destined for use in weather modification activities.

(f) *Project.* A related series of weather modification activities having a common objective.

(g) *Target area.* The ground area within which the effects of the weather modification activity are expected to be found.

(h) *Control area.* A preselected, untreated ground area used for comparison with a target area.

(i) *Weather modification apparatus.* Any apparatus used with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. For example: Seeding generators, propane devices, flares, rockets, artillery projectiles, jet engines, etc.

(j) *Sponsor.* The primary person for whom the weather modification activity is performed.

(k) *Operator.* The person who is primarily responsible for carrying out the weather modification activity.

[41 FR 23394, June 10, 1976, as amended at 46 FR 32233, June 22, 1981]

**§ 908.2 Persons subject to reporting.**

Any person engaged or intending to engage in any weather modification activity in the United States shall be subject to the reporting provisions of this part.

**§ 908.3 Activities subject to reporting.**

(a) The following, when conducted as weather modification activities, shall be subject to reporting:

(1) Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural develop-

ment cycle of clouds or their environment;

(2) Using fires or heat sources to influence convective circulation or to evaporate fog;

(3) Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;

(4) Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;

(5) Releasing electrically charged or radioactive particles, or ions, into the atmosphere;

(6) Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;

(7) Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or

(8) Using lasers or other sources of electromagnetic radiation.

(b) In addition to the activities listed above, other similar activities falling within the definition of weather modification as set forth in § 908.1 are also subject to reporting.

(c) The requirement for reporting shall not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation. This exception is presently restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost or freeze damage. Also expected from the requirement for reporting are religious activities or other ceremonies, rites and rituals intended to modify the weather.

(d) All activities noted in paragraphs (a) and (b) of this section are subject to initial reporting. However, after the Administrator has received initial notification of a planned activity, he may waive some of the subsequent reporting requirements. This decision to waive certain reporting requirements will be based on the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used.

**§ 908.4**

(e) Other reporting exceptions may be made in the future by rule of the Administrator.

**§ 908.4 Initial report.**

(a) Any person intending to engage in any weather modification project or activity in the United States shall provide a report of his intention, to be received by the Administrator at least 10 days before the commencement of such project or activity. This report shall contain at least the following:

(1) The designation, if any, used by the operator for the project or activity;

(2) The following dates for weather modification activities:

(i) The date the first actual weather modification activity is to be undertaken;

(ii) The date on which the final modification activity is expected to occur;

(3) The following information on persons involved with the project or activity:

(i) The name, affiliation, and address of the sponsor;

(ii) The name, affiliation, and address of the operator;

(4) The purpose of the project or activity;

(5) A map showing the approximate size and location of the target and control areas, and the location of each item of ground-based weather modification apparatus, precipitation measuring device, and, for airborne operations, the airport;

(6) A description of the weather modification apparatus, modification agents, and the techniques to be employed;

(7) The name and address of the responsible individual from whom log books or other records of the project or activity may be obtained;

(8) Answers to the following questions on project safeguards:

(i) Has an Environmental Impact Statement, Federal or State, been filed: Yes \_\_\_ No \_\_\_. If Yes, please furnish a copy as applicable.

(ii) Have provisions been made to acquire the latest forecasts, advisories, warnings, etc. of the National Weather Service, Forest Service, or others when issued prior to and during operations? Yes \_\_\_ No \_\_\_. If Yes, please specify on a separate sheet.

(iii) Have any safety procedures (operational constraints, provisions for suspension of operations, monitoring methods, etc.) and any environmental guidelines (related to the possible effects of the operations) been included in the operational plans? Yes \_\_\_ No \_\_\_. If Yes, please furnish copies or a description of the specific procedures and guidelines; and

(9) Optional remarks, to include any additional items which the person deems significant or of interest and such other information as the Administrator may request the person to submit.

(b) If circumstances prevent the signing of a contract or agreement to perform, or receipt of an authorization to proceed with, a weather modification activity at a date early enough to comply with paragraph (a) of this section, the initial report shall be provided so as to be received by the Administrator within 10 days of the date of signing of the contract or agreement, or receipt of authorization to proceed. In such cases, the report shall be accompanied by an explanation as to why it was not submitted at least 10 days prior to the commencement of the activity.

(c) In the event that circumstances beyond the control of the person liable to report under these regulations prevent the submission of the initial report in a timely manner as described above, the report shall be forwarded as early as possible, accompanied by an explanation as to why a timely report has not been provided. If such explanation is deemed adequate, the Administrator will consider the report as timely filed.

**§ 908.5 Interim reports.**

(a) Any person engaged in a weather modification project or activity in the United States on January 1 in any year shall submit to the Administrator, not later than 45 days thereafter, an interim report setting forth as of such date the information required below with respect to any such continuing project or activity not previously furnished to the Administrator in a prior interim report; provided that the January 1 date shall not apply if other arrangements have previously been made

with the written approval of the Administrator.

(b) The interim report shall include the file number assigned by the Administrator and shall provide a summary of the project or activity containing at least the following information for each month:

- (1) Number of days on which actual modification activities took place;
- (2) Number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities;
- (3) Total number of hours of operation of each type of weather modification apparatus (i.e., net hours of agent release);
- (4) Total amount of agent used. If more than one agent was used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(c) The totals for the items in paragraph (b) of this section shall be provided for the period covered by the interim report.

[41 FR 23394, June 10, 1976, as amended at 46 FR 32233, June 22, 1981]

**§ 908.6 Final report.**

Upon completion of a weather modification project or activity the person who performed the same shall submit a report to the Administrator not later than 45 days after completion of the project or activity. The report shall include the file number assigned by the Administrator and the following items:

- (a) Information required for the interim reports (to the extent not previously reported).
- (b) The total number of days on which actual modification activities took place during the project or activity.
- (c) The total number of days during the project or activity on which weather modification activities were conducted, segregated by each of the major purposes of the activities.
- (d) The total number of hours of operation of each type of weather modification apparatus during the project or activity (i.e., net hours of agent release).
- (e) The total amount of modification agent(s) dispensed during the project or activity. If more than one agent was

used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(f) The date on which the final weather modification activity occurred.

[41 FR 23394, June 10, 1976, as amended at 46 FR 32233, June 22, 1981]

**§ 908.7 Supplemental reports.**

Notwithstanding other regulations, a supplemental report in letter form referring to the appropriate NOAA file number, if assigned, must be made to the Administrator immediately if any report of weather modification activities submitted under § 908.4, § 908.5, or § 908.6 is found to contain any material inaccuracies, misstatements, and omissions. A supplemental report must also be made if there are changes in plans for the project or activity.

**§ 908.8 Maintenance of records.**

(a) Any person engaging in a weather modification activity in the United States shall maintain a record of such activity. This record shall contain at least the following, when applicable:

- (1) A chronological record of activities carried on, preferably in the form of a daily log, which shall include the NOAA file number assigned to the project, the designation of each unit of weather modification apparatus, and at least the following information for each unit:
  - (i) Date of the weather modification activity.
  - (ii) Position of each aircraft or location of each item of weather modification apparatus during each modification mission. Maps may be used.
  - (iii) Time when weather modification activity began and ended.
  - (iv) Total duration of operation of each unit of weather modification apparatus (i.e., net hours of agent release).
  - (v) Type of each modification agent used.
  - (vi) Rate of dispersal of each agent during the period of actual operation of weather modification apparatus.
  - (vii) Total amount of agent used. If more than one agent was used, report total for each type separately.
  - (viii) Number of days on which weather modification activities were

## § 908.9

conducted, segregated by each of the major purposes of the activities.

(2) The monthly totals of hours of modification activity, the amount of modification agent used, and the number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities, shall be shown on the daily log sheet for the last day of each month.

(b) When the activity involves ground-based weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made part of the daily log:

(1) The location of each item of weather modification apparatus in use and its identification such as type and manufacturer's model number. If the apparatus is not commercially available, a brief description of the apparatus and the method of operation should be recorded.

(2) The name and address of the person responsible for operating each weather modification apparatus.

(3) The altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(c) When the activity involves airborne weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made a part of the daily log: For each airborne weather modification apparatus run: Altitude, air speed; release points of modification agents, method of modification and characteristics of flares, rockets, or other delivery systems employed; temperature at release altitude; and, for aircraft: The type of aircraft, its identification number, the airport or airports used, and the names and addresses of crew members and the person responsible for operating the weather modification apparatus; and the altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(d) The following records shall also be maintained, whenever applicable,

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but need not be made a part of the daily log. Only data specifically collected for the reported activity need be retained; data available from other sources need not be included.

(1) Any descriptions that were recorded of meteorological conditions in target and control areas during the periods of operation; for example: Percent of cloud cover, temperature, humidity, the presence of lightning, hail, funnel clouds, heavy rain or snow, and unusual radar patterns.

(2) All measurements made of precipitation in target and control areas.

(3) Any unusual results.

### § 908.9 Retention of records.

Records required under § 908.8 shall be retained and available for inspection by the Administrator or his designated representatives for 3 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection only at the place where normally kept. The Administrator shall have the right to make copies of such records, if he or she deems necessary.

[52 FR 4896, Feb. 18, 1987]

### § 908.10 Penalties.

Knowing and willful violation of any rule adopted under the authority of section 2 of Public Law 92-205 shall subject the person violating such rule to a fine of not more than \$10,000, upon conviction thereof.

### § 908.11 Maintenance of records of related activities.

(a) Persons whose activities relate to weather modification activities, other than persons engaged in weather modification activities, shall maintain records concerning the identities of purchasers or users of weather modification apparatus or materials, the quantities or numbers of items purchased, and the times of such purchases. Such information shall be retained for at least 3 years.

(b) In addition, persons whose activities relate to weather modification shall be required, under the authority of section 4 of Public Law 92-205, to

provide the Administrator, on his request, with information he deems necessary to carry out the purposes of this act.

[41 FR 23394, June 10, 1976, as amended at 52 FR 4896, Feb. 18, 1987]

**§ 908.12 Public disclosure of information.**

(a) Any records or other information obtained by the Administrator under these rules or otherwise under the authority of Public Law 92-205 shall be made publicly available to the fullest practicable extent. Such records or information may be inspected on written request to the Administrator. However, the Administrator will not disclose any information referred to in section 1905 of title 18, United States Code, and that is otherwise unavailable to the public, except that such information shall be disclosed:

(1) To other Federal government departments, agencies, and officials for official use upon request;

(2) In any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

(3) To the public, if necessary to protect their health and safety.

(b) Certified copies of such reports and information, to the extent publicly disclosable, may be obtained from the Administrator at cost in accordance with the Department of Commerce implementation of the Freedom of Information Act.

(c) Persons reporting on weather modification projects or related activities shall specifically identify all information that they consider not to be subject to public disclosure under the terms of Public Law 92-205 and provide reasons in support thereof. A determination as to whether or not reported information is subject to public dissemination shall be made by the Administrator.

(d) When consideration of a weather modification activity report and related information indicates that a proposed project may significantly depart from the practices or procedures generally employed in similar circumstances to avoid danger to persons, property, or the environment, or indicates that success of Federal research

projects may be adversely affected if the proposed project is carried out as described, the Administrator will notify the operator(s) and State officials of such possibility and make recommendations where appropriate. The purpose of such notification shall be to inform those notified of existing practices and procedures or Federal research projects known to NOAA. Notification or recommendation, or failure to notify or recommend, shall not be construed as approval or disapproval of a proposed project or as an indication that, if carried out as proposed or recommended it may, in any way, protect or endanger persons, property, or the environment or affect the success of any Federal research project. Any advisory notification issued by the Administrator shall be available to the public and be included in the pertinent activity report file.

**§ 908.13 Address of letters.**

Letters and other communications intended for the Administrator, in connection with weather modification reporting or activities, shall be addressed to: The Administrator, National Oceanic and Atmospheric Administration, Environmental Modification Office, Rockville, Md. 20852.

**§ 908.14 Business to be transacted in writing.**

All business transacted with the National Oceanic and Atmospheric Administration with regard to reports of weather modification activities should be transacted in writing. Actions of the National Oceanic and Atmospheric Administration will be based exclusively on the written record.

**§ 908.15 Times for taking action; expiration on Saturday, Sunday, or holiday.**

Whenever periods of time are specified in these rules in days, calendar days are intended. When the day, or the last day, fixed under these rules for taking any action falls on a Saturday, Sunday, or on a Federal holiday, the action may be taken on the next succeeding day which is not a Saturday, Sunday, or Federal holiday.

**§ 908.16**

**§ 908.16 Signature.**

All reports filed with the National Oceanic and Atmospheric Administration must be dated and signed by or on behalf of the person conducting or intending to conduct the weather modification activities referred to therein by such person, individually or, in the case of a person other than an individual, by a partner, officer, or other person having corresponding functions and authority. For this purpose "officer" means a president, vice president, treasurer, secretary, or comptroller. Notwithstanding the foregoing, such reports may also be signed by the duly authorized agent or attorney of the person whose activities are being reported. Proof of such authorization shall be furnished to the Administrator when filing a report, unless previously furnished.

**§ 908.17 Suspension or waiver of rules.**

In an extraordinary situation, any requirement of these rules may be suspended or waived by the Administrator on request of the interested party, to the extent such waiver is consistent with the provisions of Public Law 92-205 and subject to such other requirements as may be imposed.

**§ 908.18 Matters not specifically provided for in rules.**

All matters not specifically provided for or situations not specifically addressed in these rules will be decided in accordance with the merits of each case by or under the authority of the Administrator, and such decision will be communicated in writing to all parties involved in the case.

**§ 908.19 Publication of notice of proposed amendments.**

Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the FEDERAL REGISTER. If not published with the notice, copies of the text of proposed amendments will be furnished to any person requesting the same. All comments, suggestions, and briefs received within the time specified in the notice will be considered before adoption of the proposed amendments, which may be modified in the light thereof. Infor-

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mal hearings may be held at the discretion of the Administrator.

**§ 908.20 Effective date.**

These rules are effective on June 10, 1976.

**§ 908.21 Report form.**

Public Law 92-205 and these rules should be studied carefully prior to reporting. Reports required by these rules shall be submitted on forms obtainable on request from the Administrator, or on an equivalent format.<sup>1</sup> In special situations, such alterations to the forms as the circumstances thereto may render necessary may be made, provided they do not depart from the requirements of these rules or of Public Law 92-205.

**PART 909—POLICIES AND PROCEDURES REGARDING DISCLOSURE OF INFORMATION AND NOAA EMPLOYEE TESTIMONY IN LITIGATION NOT INVOLVING THE UNITED STATES**

Sec.

- 909.1 Purpose and policy.
- 909.2 Disclosure and certification of information and records.
- 909.3 Response to subpoena duces tecum.
- 909.4 Testimony by NOAA employees in litigation not involving the United States.
- 909.5 Conditions for authorizing testimony.

AUTHORITY: 15 U.S.C. 315, 1512, 1518; 33 U.S.C. 884; 43 U.S.C. 1458, 1460, 1461.

SOURCE: 43 FR 36240, Aug. 16, 1978, unless otherwise noted.

**§ 909.1 Purpose and policy.**

(a) The regulations in this part describe NOAA policies and procedures for the disclosure of information, records, and data to parties and testimony by NOAA employees in litigation not involving the United States.

(b) It is the policy of NOAA to provide information, data, and records to non-Federal litigants to the same extent that they are available to the general public. The availability of NOAA employees to testify in non-Federal litigation is governed by the NOAA

<sup>1</sup>Filed as part of the original document.

## **15 U.S.C. Chapter 9A**

### **Sec. 330. Definitions**

As used in this chapter -

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, who is performing weather modification activities, except where acting solely as an employee, agent, or independent contractor of the Federal Government.

(3) The term "weather modification" means any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere.

(4) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

### **Sec. 330a. Report requirement; form; information; time of submission**

No person may engage, or attempt to engage, in any weather modification activity in the United States unless he submits to the Secretary such reports with respect thereto, in such form and containing such information, as the Secretary may by rule prescribe. The Secretary may require that such reports be submitted to him before, during, and after any such activity or attempt.

### **Sec. 330b. Duties of Secretary**

(a) Records, maintenance; summaries, publication

The Secretary shall maintain a record of weather modification activities, including attempts, which take place in the United States and shall publish summaries thereof from time to time as he determines.

(b) Public availability of reports, documents, and other information

All reports, documents, and other information received by the Secretary under the provisions of this chapter shall be made available to the public to the fullest practicable extent.

(c) Disclosure of confidential information; prohibition; exceptions

In carrying out the provisions of this section, the Secretary shall not disclose any information referred to in section 1905 of title 18 and is otherwise unavailable to the public, except that such



information shall be disclosed -

- (1) to other Federal Government departments, agencies, and officials for official use upon request;
- (2) in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceeding; and
- (3) to the public if necessary to protect their health and safety.

### **Sec. 330c. Authority of Secretary**

(a) Information; reports and records; inspection; availability of data from any Federal agency as limitation of authority

The Secretary may obtain from any person whose activities relate to weather modification by rule, subpoena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises and property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this chapter, but this authority shall not be exercised to obtain any information with respect to which adequate and authoritative data are available from any Federal agency.

(b) Noncompliance; application of Attorney General; jurisdiction; orders; contempts

In case of contumacy by, or refusal to obey a subpoena served upon any person pursuant to this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Dated: September 10, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-21091 Filed 9-17-04; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

[I.D. 091404E]

**Submission for OMB Review; Comment Request**

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Tag Recapture Card.

*Form Number(s):* None.

*OMB Approval Number:* 0648-0259.

*Type of Request:* Regular submission.

*Burden Hours:* 8.

*Number of Respondents:* 240.

*Average Hours Per Response:* 2 minutes for tag recapture card.

*Needs and Uses:* The primary objectives of a tagging program are to obtain scientific information on fish growth and movements necessary to assist in stock assessment and management. This is accomplished by the random recapture of tagged fish by fishermen and the subsequent voluntary submission of the appropriate data.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: September 10, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-21092 Filed 9-17-04; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 091404C]

**Proposed Information Collection; Comment Request; Weather Modification Activities Reports**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before November 19, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Karen King, R/WA, 1315 East-West Hwy, Silver Spring, MD 20910-3282 (phone 301-713-0460, ext. 202).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

Section 6(b) of Public Law 92-205 requires that persons who engage in weather modification activities (e.g., cloud-seeding) provide reports prior to and after the activity. They are also required to maintain certain records. The requirements are detailed in 15 CFR 908. NOAA uses the data for scientific research, historical statistics, international reports, and other purposes.

**II. Method of Collection**

Paper forms and recordkeeping are used.

**III. Data**

*OMB Number:* 0648-0025.

*Form Number:* NOAA forms 17-4 and 17-4A.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 55.

*Estimated Time Per Response:* 30 minutes per report; and 5 hours per year for recordkeeping.

*Estimated Total Annual Burden Hours:* 240.

*Estimated Total Annual Cost to Public:* \$275.

**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 10, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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BILLING CODE 3510-KD-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 091404A]

**Proposed Information Collection; Comment Request; Reporting of Sea Turtle Entanglement in Pot Gear Fisheries**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).