§ 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.

§ 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 development 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.
(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