

National Marine Fisheries Service

Endangered Species and Marine Mammal Parts Permit Application for Scientific Research

TABLE OF CONTENTS

INTRODUCTION	2
NEED HELP OR HAVE OTHER QUESTIONS?.....	3
WHEN FILLING OUT YOUR APPLICATION:	3
APPLICATION INSTRUCTIONS.....	3
PROJECT INFORMATION	3
PROJECT DESCRIPTION	5
PROJECT SUPPLEMENTAL INFORMATION.....	7
PROJECT LOCATION.....	8
SAMPLE ACTIVITY INFORMATION (LISTED IN APPS AS TAKE TABLES)	9
*ANTICIPATED EFFECTS ON THE ENVIRONMENT	10
PROJECT CONTACTS	12
SUBMIT APPLICATION	15
ADDITIONAL INFORMATION.....	15
WHEN SHOULD I APPLY?.....	15
WHAT IS THE PROCESS FOR GETTING A PERMIT?	15
WHAT IS THE PROCESS FOR REQUESTING AN AMENDMENT TO A PERMIT?.....	15
WHAT IS THIS PERMIT APPLICATION NOT FOR?	15
APPLICABLE LAWS AND REGULATIONS.....	16
PAPERWORK REDUCTION ACT STATEMENT	17

Introduction

These instructions are for submitting an application for a scientific research permit¹ under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) to:

- Import and export protected species parts²/samples.
- Receive or collect parts from U.S. subsistence-hunted marine mammals.
- Develop and use cell lines derived from protected species.
- Salvage dead ESA-listed sturgeon or sawfish.

If you are requesting any of the above, you may also request to receive samples from other U.S. permitted sources.

Protected species covered by this permit include these under NMFS' jurisdiction:

- Cetaceans (dolphins, porpoises, and whales).
- Pinnipeds (seals and sea lions).
- ESA-listed sawfishes (e.g., largetooth and smalltooth).
- ESA-listed sturgeon (e.g., Atlantic and shortnose).
- ESA-listed sharks (e.g., scalloped hammerhead).
- Sea turtles (only for samples collected in water; contact [U.S. Fish and Wildlife Service](#) for collection on land and for import and export of sea turtle samples).
- Other ESA-listed species found in foreign countries (for import into the United States).

See [Additional Information](#) on page 15 for more information including a list of activities not covered by this permit application.

¹ Contact us if you wish to apply for a permit to enhance the survival or recovery of a species or stock using protected species parts.

² Marine mammal parts are defined by regulation: Hard part means any bone, tooth, baleen, treated pelt, or other part of a marine mammal that is relatively solid. Soft part means any marine mammal part that is not a hard part; soft parts do not include urine or feces. NMFS regulates cell lines, DNA (excluding replicated DNA), and other tissue derivatives as parts.

Need help or have other questions?

We recommend you visit our [web page about using parts of marine mammals and protected species for scientific research](#), see the [Additional Information](#) on page 15, or contact us at nmfs.pr1.apps@noaa.gov.

When filling out your application:

- Your application must be a stand-alone document, readable to a layperson.
- If you do not follow these instructions, your application will be returned.
- We will not consider your application if you have overdue reports.
- You will need to enter this information in our online permit system, APPS
<https://apps.nmfs.noaa.gov/>.

Application Instructions

Project Information

File Number: This number is generated by APPS and cannot be changed. To facilitate processing, reference this File No. in correspondence with our office.

***Project Title** (up to 255 characters): Provide a concise title that includes activities, species (or taxa if multiple species), location, and purpose of the filming. For example:

- *Receipt, import, and export of marine mammal parts to study the impact of emerging infectious diseases on marine mammal health.*
- *Collection and receipt of parts from subsistence-hunted pinnipeds in the United States for genetic and contaminant analysis.*
- *Salvage of dead sturgeon and sawfish for genetic identification and opportunistic research.*

Entering your application in APPS

- **Save your application every 20 minutes or you will lose information!**
- An * indicates a required field.
- Consider using these instructions as a template to draft your application in Word. Then cut and paste into APPS.
- Special characters may be either lost or migrated incorrectly.
- Refer to [Chapter 2](#) for how to navigate APPS.
- Your application will remain in draft mode until you submit.
- Attachments cannot be larger than 20MB – contact us if you need to attach larger files.

***Project Status:** The project status (New or Renewal) is automatically selected based on your answers in the APPS pre-application guide (PAG). Do not change this.

Previous Federal or State Permit #: If applicable, enter your most recent and closely related NMFS permit number. Otherwise leave blank.

***Permits Requested:** One or more permits will be listed based on your answers in the APPS PAG. If the options are incorrect, contact us at nmfs.pr1.apps@noaa.gov.

***Where Will the Activities Occur?** One or more general locations will be listed based on your answers in the PAG.

***Research Timeframe:** Enter the desired start and end dates of the entire project in the following format: MM/DD/YYYY. Currently, the maximum duration for an MMPA permit is 5 years. See [Additional Information](#) on page 15 for details about when to apply.

***Sampling Season/Project Duration** (up to 1,000 characters): Describe the frequency of sample collection, import, export, or receipt. If your project is ongoing and you will be receiving samples opportunistically, please indicate when your research began and when you expect your research to conclude.

***Abstract** (up to 2,000 characters): a short summary that must include:

- Purpose of the research.
- Target species (common names). If you are requesting samples from a large number of species, you can list taxa instead of all species. For example: *six species of cetaceans and eight species of pinnipeds*.
- Proposed activities (e.g., import and export of samples and source(s) of samples).
- Number of animals from which samples will be collected, imported, exported, or received, by species or taxa annually.

Bona Fide Research

The information in your application should demonstrate how your proposed research is *bona fide*, including how the results of your research are likely to:

- Be accepted for publication in a refereed scientific journal;
- Contribute to the basic knowledge of the species biology or ecology; or
- Identify, evaluate, or resolve conservation problems.

- Locations (countries) from which samples will be imported or to where they will be exported.
- Requested duration of the permit (the maximum is 5 years).

Project Description

***Project Purpose: Hypothesis/Objectives and Justification** (up to 64,000 characters)

1. Discuss the **need for the research and the research questions** you want to answer. If your institution is a repository, please describe previous and on-going areas of research that your collection supports and how researchers receive access to your collection.
2. Briefly summarize **published findings** related to your research.
 - If you previously held or worked under a research permit, use literature citations from that to discuss how you previously met your objectives; and/or
 - Use other published literature on the subject.
3. Describe how your proposed study is different from, builds upon, or duplicates past research.
4. Identify your **objectives or hypotheses** based on the above information
5. **Take Number Rationale:** Explain how you determined your sample size and why they are needed to meet the objectives. Where possible, include a power analysis or other sample size estimation to show whether the sample size is sufficient to provide statistically significant or otherwise robust results appropriate for your study.

For **ESA-listed and MMPA-depleted** species, you must also:

6. Discuss why your project must involve ESA-listed or MMPA-depleted species parts.
7. Discuss how your project will:
 - Contribute to the objectives identified in the species' recovery or conservation plan;
 - Contribute significantly to understanding the basic biology or ecology of the species; or
 - Contribute significantly to identifying, evaluating, or resolving conservation problems.

***Project Description** (up to 64,000 characters)

- **Identify your target species** (common names). If you are requesting samples from all species in a taxa group, indicate so. You can use “unidentified cetacean,” “unidentified pinniped,” or “all ESA-listed sawfish.”
- List the **type of samples** (e.g., blood, skin, whole carcasses) and indicate whether you will be isolating constituent elements of the tissues such as nucleic acids or other constituent elements, or developing/maintaining cell lines.

Note: If you are only working with urine, feces, stomach contents (not containing protected species prey parts), or synthetic or replicated samples without any of the original source part remaining (e.g. replicated DNA or RNA; synthetic proteins), a permit is **not** needed provided no animals are harassed during sample collection.

- List the **sources of your samples and all proposed activities** (collection, import, export, domestic receipt). You may request samples from the following U.S. or foreign sources:
 - Animals in captivity (samples taken during routine husbandry procedures or under separate authorization);
 - Animals in foreign countries stranded alive or dead or that died during rehabilitation;
 - Animals killed during legal subsistence harvests;
 - Animals killed incidental to legal commercial fishing operations; or
 - Samples from other authorized persons or collections.
- If importing samples taken from live animals (including captive or wild animals), describe how the samples were collected including animal handling and sample collection protocols. This should include a discussion of how the take was humane.³
- List the **authorizing government agency and authorizations or permits** obtained for the legal take of animals or parts in the country of origin. It is unlawful to import parts from an animal that was taken illegally in the country of origin.

³ Humane means using the method that involves the least possible degree of pain and suffering possible.

- If collecting or receiving samples from **U.S. subsistence-hunted marine mammals**, or importing samples from subsistence-hunted marine mammals in foreign countries, describe:
 - The subsistence method, and
 - Whether documentation is available to ensure the taking was conducted in a humane manner (i.e., using the method that involves the least possible degree of pain and suffering possible).
- For samples **received domestically from U.S. permitted researchers**, include the researcher's name, affiliation, and permit number.
- List the **locations** (countries and facilities/researchers) from which samples will be imported or to which they will be exported, including listing the ports of entry for importing samples into the United States.
- Describe how samples will be **preserved, shipped, and curated**.
- Describe how samples will be **analyzed** and include a brief overview of the methods that will be used to analyze the samples including references where possible.

Project Supplemental Information

Attach a Supplemental Information File

You can attach up to 10 files to provide additional information.

- Preferred file formats: Word, Excel, PDF, or text.
- The maximum file size allowed is 20 MB.
- Audio and video files (such as mp3, m4b, wav) cannot be uploaded. Contact us if you need assistance.

Attach a References File

Attach a **bibliography** of references cited in your application. References must be made available upon request as needed for evaluation of the application and preparation of MMPA, ESA, or NEPA analyses. If a link to your referenced material is available, add the link to your References File.

***Resources Needed to Accomplish Objectives** (up to 4,000 characters and attach files if necessary)

- Explain how your expertise, facilities, and resources⁴ are adequate to accomplish your proposed objectives and activities.
- List relevant proposals, contracts, grant awards, or letters of agreement that would demonstrate your resources. Copies must be made available upon request.
- Indicate the status of other international, federal, state, or local authorizations and permits you have applied for, secured, or will apply for.

***Disposition of Tissues** (up to 2,000 characters)

Indicate the disposition of biological samples during the term of your permit and after your project is complete.

- List the name, affiliation, and location of any person or institution that will receive, analyze, or curate samples.⁵
- Include the sample type and purpose of transfer (analysis and/or curation). State whether samples will be consumed in analysis, destroyed, curated, or returned.
- Indicate if you will retain legal custody of the curated samples or if you wish to permanently transfer custody of the samples once your project is complete.

***Public Availability of Product/Publications** (enter up to 800 characters)

Describe the end products of your proposed project and how they will be made available to the public.

Project Location

First, you will describe the locations where samples will be collected or imported from, exported to, or received from. Then, for each location, you will use the Sample Activity Table to list the species you expect to encounter and the procedures you will conduct.

1. **Add New Location:**

- General area – **select the Animal Parts option**

⁴ **Expertise** includes a summary of the cumulative experience of you and your personnel. **Facilities** include such things as your existing infrastructure or laboratories. **Resources** include financial (e.g., current funding and/or history of securing funding); material (e.g., sampling equipment, UAS, boats); and other resources (e.g., collaborative partnerships that can be drawn on to support your work).

⁵ Persons or institutions authorized to receive samples for analysis or curation related to the objectives of your permit are known as **Authorized Recipients**.

2. Enter **Location Details:**

- Use the Location Description box (up to 255 characters) to briefly describe the locations (e.g., *World-wide import, export, and receipt of marine mammal samples for analysis at [state laboratory name, city, and state]. Or, Samples will be imported from [state country] and analyzed at [state laboratory name, city, and state]*).

Sample Activity Table (listed in APPS as Take Table)

This table summarizes the annual collection, import, export, or receipt of samples for each year of your project.

Columns you will fill out in this table:

1. **Species:** Use the drop down list. If you are requesting opportunistic receipt of any species of marine mammal under NMFS jurisdiction, choose Cetacean, unidentified for one row, and Pinniped, unidentified for a second row.
2. **Listing Unit/Stock:** Select the applicable MMPA stock or ESA listing unit. Choose Range-wide if wide if you are importing specimens from locations worldwide.
3. **Production/Origin:** Choose as applicable: Wild, Captive, Rehabilitation facility, or All. If origin is unknown, choose All.
4. **Life Stage:** Select from the drop-down list. Choose All if samples from any life stage are included.
5. **Sex:** Select Male and Female if samples are from both sexes.
6. **Expected Take:** This represents the **number of animals** from which samples will be collected, imported, exported, or received annually. Please note that an unlimited number of samples from each individual animal may collected, imported, exported, or received.
7. **Take Action:** Select Import/export/receive only.
8. **Observe/Collect Method:** Select Other.
9. **Procedures:** Select the relevant activities from the drop down list. You can select multiple

procedures by holding down the Control key. Your options are:

- Collect parts from U.S. subsistence hunted animals;
- Import;
- Export;
- Receive domestically;
- Salvage; and/or
- Other (only choose if your activity is not listed, and briefly describe what it means in the Details box).

10. Begin Date: Populated with the Begin Date you entered on the Project Information page. You may change the date to coincide with a specific project time that is shorter than the overall duration of the project.

11. End Date: Populated with the End Date entered on the Project Information page. You may change the date to coincide with a specific project time shorter than the overall duration of the project.

12. Details: Enter up to 255 characters to provide details for each table row. If you select “other” you must describe what you mean. For example, Cetacean, unidentified or Pinniped, unidentified could be clarified the following ways:

- *Unlimited samples from up to 100 animals of each species annually ; or*
- *Unlimited samples from up to 100 animals total of each taxonomic grouping.*

*Anticipated Effects on the Environment

1. Will you be working in or near areas with unique environmental characteristics or important scientific, cultural or historical resources? Yes or no

Examples include:

- Animals used for subsistence
- Archaeological resources
- [Critical Habitat of ESA-listed species](#)
- [Essential Fish Habitat](#) including wetlands, coral reefs, sea grasses, and rivers
- Federally recognized Tribal and Native Alaskan lands, cultural or natural resources, or religious or cultural sites
- [Marine Protected Areas](#)

- Minority or low-income communities
 - [National](#) or State Parks
 - [National Marine Sanctuaries](#) and [National Monuments](#)
 - [National Historic Landmarks](#)
 - Sites listed in or eligible for listing in the [National Register of Historic Places](#)
 - [Wild and Scenic Rivers](#)
 - [Wilderness Areas](#)
 - [Wildlife Refuges](#)
- a. If yes, please list those areas. As applicable, mention if you will need to or have already obtained permission (licenses, permits, authorizations) to work in these areas. (up to 1,200 characters)
- b. How would your activities affect such resources? What measures will you take to ensure your work does not cause loss or destruction of such resources? (up to 1,200 characters)
- c. For marine mammal activities in Alaska or Washington, how will you ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of marine mammals for subsistence uses? (up to 800 characters)
2. Discuss if your activities have the potential to impact the physical or biological environment, in particular coastal and marine environments. Impacts can be positive or negative. (up to 2,000 characters)

Examples of potential impacts include:

- Altering substrate while anchoring vessels and buoys.
- Using bottom trawls or other types of nets.
- Erecting blinds or other structures.
- Ingress and egress of researchers.
- Injuring or killing benthic organisms (e.g., sea grass, corals).
- Altering the physical or chemical characteristics of water (e.g., oil spills)
- Affecting a species' abundance or distribution.

3. a. Does your project involve activities known or suspected of introducing or spreading invasive species, intentionally or not? Examples include transporting animals or other biological specimens, discharging ballast water, and using boats/equipment at multiple sites. Yes or no.

b. Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents. (up to 1,200 characters)
4. a. Will your activities involve collecting, handling, or transporting potentially infectious agents or pathogens, such as biological specimens (animals, blood, tissues)? Yes or no.

b. Will your activities involve using or transporting hazardous substances, such as toxic chemicals? Yes or no.

c. If yes to either question, describe the protocols you will use to ensure that public health and human safety are not adversely affected, such as by spread of zoonotic diseases, chemical injuries, or contamination of food or water supplies. (up to 1,200 characters)
5. Do your activities involve equipment (e.g., scientific instruments) or techniques that are new, untested, or have unknown or uncertain impacts on the biological or physical environment? Yes or no.

If yes:

- a. Briefly describe the equipment or techniques and provide any information about the use of these in your study area and/or with other taxa and what is known about their impacts. (up to 1,200 characters)
- b. Discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly. (up to 800 characters)

Project Contacts

The person entering the application in APPS will automatically be assigned the following roles: **Applicant/Permit Holder, Principal Investigator, and Primary Contact.**

1. You may need to change or add personnel. See [Chapter 2](#) for directions on how to change who is assigned to these roles.
2. Use the guidance below to help you decide who should have what role.

3. To prevent duplicate entries, **ALWAYS search APPS for the person before entering a new contact.** Start with only putting the last name in APPS search box.
4. Include a table listing the names of the PI and Co-Investigators (CIs), and the specific procedures they will oversee or conduct (see example Table 1). **Attach the table on the [Supplemental Information](#) page.**
5. As you add personnel, **check whether each person already has a Qualifications Form (QF) in APPS.** It will appear next to their name once you add them to your Contacts page. If there is not a QF in APPS, then attach one for the PI and each CI. See Qualifications and Experience below.

Descriptions of Personnel Roles

A project must have a **Responsible Party if the Applicant/Permit Holder is an organization, institution, or agency.** The Responsible Party or Applicant/Permit Holder is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for the activities of any individual operating under the authority of the permit.

The **Principal Investigator (PI)** is the individual primarily responsible for the import, export, and any related activities conducted under the permit. There can only be one PI on a permit. The PI:

- Must have qualifications, knowledge, and experience relevant to the activities authorized by the permit.
- Must be on site during activities conducted under the permit unless a Co-Investigator is present to act in place of the PI.
- May also be the Applicant/Permit Holder and Primary Contact.

The **Primary Contact** is the person primarily responsible for correspondence during the application review process and after a permit is issued. Typically this person administers the permit, requests amendments/modifications (e.g., personnel changes), and submits reports. The Primary Contact may also serve other roles on the permit (e.g., Applicant/Permit Holder, PI, CI).

The Applicant/Permit Holder or Responsible Party, PI, and Primary Contact will have access to APPS to enter and edit the application, submit reports and modification requests, and will receive automatic emails from APPS.

Co-Investigators (CIs) are individuals who are qualified and authorized to conduct or directly supervise activities including import/exporting activities and laboratory analysis, conducted under a permit without the on-site supervision of the PI. This includes cell line development.

- You must add CIs to the application if the PI will not always be present during the permitted activities.
- CIs can also be added or removed once a permit has been issued.

Authorized Recipients (ARs) are persons or institutions authorized to receive samples for analysis or curation related to the objectives of your permit. Permit holders may designate ARs at their discretion with a letter. ARs do not need to be identified in the application or permit.

Qualifications and Experience

The PI and each CI must have a Qualifications Form (QF). Previously we accepted CVs, resumes, and biosketches, but often these did not include sufficient information about the person's experience to demonstrate they were qualified in the proposed activities.

Once you fill out a QF and attach it to your profile in APPS you won't have to do it again, unless your skills or experience change. Each contact should only have **1 QF file** in their

profile and it may be used for multiple permits. They may replace the QF with an updated version as they gain new experience.

Persons authorized as the PI or CIs must have qualifications corresponding to their duties. If you do not provide sufficient information, we will not authorize the person(s).

In addition, you must submit a table (see Table 1) defining the PI and CI roles and activities to be performed (i.e., supervising or conducting specific procedures).

Table 1. Example of Personnel Roles

Name/Affiliation		
John Smith, Ph.D., University A, City, State	Principal Investigator	Supervise and perform all activities under the permit
Jane Doe, Ph.D., Laboratory B, City, State	Co-Investigator	Import/receive blubber and conduct fatty acid analysis
John Doe, D.V.M., Institution C, City, State	Co-Investigator	Collect lung, heart, and muscle samples from subsistence-hunted animals for histology

Submit Application

See [Chapter 2](#) for how to submit your application and check on its status.

Additional Information

When should I apply?

At least 6 months before you wish to start; preferably 8 months prior.

What is the process for getting a permit?

1. Follow these instructions and contact the Permits and Conservation Division with any questions.
2. Submit your application via [APPS](#).
 - a. A permit analyst will review your application and contact you if additional information is needed.
3. Address any questions within 60 days or your application will be withdrawn.
 - a. Once we consider your application complete, we will publish a notice in the Federal Register, which starts a mandatory 30-day public comment period.
 - b. Concurrently, we will send your application to the Marine Mammal Commission and other subject matter experts in partner institutions and federal and state agencies for review.
4. Address any questions received during the comment period.
 - a. We will draft the permit and supporting documentation (including National Environmental Policy Act analyses and documentation of MMPA issuance criteria).
 - b. The documents will be reviewed by various NMFS offices including a legal review.
 - c. The Office Director will decide whether to issue or deny your permit.

What is the process for requesting an amendment to a permit?

Use [APPS](#) to request an amendment to your permit. You'll need to provide a description of your proposed changes and include all the necessary details for those changes, as applicable. Use these application instructions as a guide. For example, changes to your objectives will require that you discuss all the points in the Project Purpose section. Additions to personnel require Qualifications Forms and descriptions of their roles.

What is this permit application NOT for?

- Taking (e.g., collecting samples from or harassing) live animals in the United States. A research permit is required for this activity for [marine mammals](#) and [ESA-listed species](#).

- Collecting or receiving samples from dead or live beached/stranded marine mammals in the United States (this requires a separate authorization). Contact [your regional stranding coordinator](#) for more information.
- Importing, exporting, selling, and possessing marine mammal parts taken prior to the enactment of the MMPA (December 21, 1972) or endangered species parts that are at least 100 years old (antique under the ESA). You will need a [Letter of Determination](#) for these parts.
- Only receiving samples from permitted U.S. researchers (this does not apply to cell lines). Contact [your regional stranding coordinator](#) for information on how to apply for a Regional Authorization letter.
- Obtaining a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) [permit](#).
- Urine, feces, non-part stomach contents, and synthetic or replicated samples without any of the original source part remaining (e.g., replicated DNA, RNA; synthetic proteins). A scientific research permit is only required for urine, feces, and vomitus if there is the potential to take (including harassment) living protected species during collection in the field.
- Importing samples into the United States from marine mammals:
 - Taken in any high seas driftnet fishery after December 31, 1992
 - Deliberately killed for the express purposes of providing samples
 - Taken illegally in the country of origin
 - Taken during whaling activities not approved by the International Whaling Commission (IWC)
 - Taken during whaling activities opposed by the United States⁶, or
 - Taken in a directed cetacean fishery opposed by the United States, including Japanese “drive fisheries.”

Applicable Laws and Regulations

Under Section 104(c) of the MMPA and Section 10(a)(1)(A) of the ESA, persons may be authorized to take marine mammals and threatened and endangered species, respectively, for purposes of

⁶ Including samples taken during scientific whaling and commercial hunts after the IWC Whaling Moratorium of 1986.

scientific research or enhancing the survival of the species. Interested persons are required to submit an application in accordance with the Acts and the implementing regulations at 50 CFR Part 216, Subpart D, and 50 CFR Part 222. These instructions for applying for a research or enhancement permit are drawn from, but do not substitute for, [ESA regulations and MMPA regulations](#). Read the [full text of the MMPA](#), including Section 104, or the [full text of the ESA](#), including Section 10(a)(1)(A).

Paperwork Reduction Act Statement

The information requested in this application is required and is used to determine whether the activities described in the application are consistent with the purposes and policies of the Acts and their implementing regulations.

Public reporting burden for this collection of information is **estimated to average 20 hours** per response (i.e., filling out the above application), 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 collection of information, including suggestions for reducing this burden, to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

All permit documentation, including the application, permit and amendments, reports, inventory information, and any other associated documents are subject to the Freedom of Information Act.

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.