

SUPPORTING STATEMENT
(Forms 4461, 4461-A, 4461-B)

6028. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 401(a) sets out the requirements for qualification of certain employee benefit plans. Forms 4461, Form 4461-A, and Form 4461-B were developed for use by employers to apply for approval of their employee benefit plans under section 401(a) and their related trusts as exempt from Federal income tax under section 501(a).

6029. USE OF DATA

The IRS uses Forms 4461, 4461-A, and 4461-B to determine if the employee benefit plan is qualified under section 401(a) and if the related trust is entitled to tax-exempt treatment under section 501(a).

6030. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

Forms 4461, 4461-A, and 4461-B cannot be filed electronically, since their relatively low volume does not justify the cost electronic enabling.

6031. EFFORTS TO IDENTIFY DUPLICATION

We have attempted to eliminate duplication within the agency wherever possible.

6032. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

Not applicable.

6033. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

Not applicable.

6034. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

Not applicable.

6035. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding Forms 4461, 4461-A, and 4461-B.

In response to the Federal Register Notice dated February 12, 2009 (F.R. 74 7103), we received no comments during the comment period regarding Form 4461, 4461-A and 4461-B.

6036. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

Not applicable.

6037. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

6038. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

6039. ESTIMATED BURDEN OF INFORMATION COLLECTION

The burden estimate is as follows:

	<u>Number of Responses</u>	<u>Time per Response</u>	<u>Total Hours</u>
Form 4461	1,000	58.94	58,940
Form 4461-A	250	56.79	14,025
Form 4461-B	<u>4,000</u>	9.06	<u>36,160</u>
Total	5,250		109,125

Estimates of the annualized cost to respondents for the hour burdens shown are not available at this time.

6040. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our **Federal Register** notice dated February 12, 2009, requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of the cost burdens are not available at this time.

6041. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The primary cost to the government consists of the cost of printing this form. We estimate that the cost of printing the form is \$3,187.

6042. REASONS FOR CHANGE IN BURDEN

There are no changes being made to this form at this time.

We are making this submission to renew the OMB approval.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

See attachment.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB FORM 83-I

Not applicable.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not

required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.