

SUPPORTING STATEMENT (EE-111-80)

CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 6033 of the Internal Revenue Code of 1954 (Code) requires certain organizations exempt from tax under section 501(a) to file an annual return. Black lung trusts described in section 501(c)(21) are exempt from tax under section 501(a) and thus must file an annual return under section 6033.

Section 6104(b) requires the Secretary of the Treasury to make available to the public the information required to be furnished by section 6033. Pub. L 95-488, 1978-2 C.B. 378, which amended section 6104, provides that nothing in the amendments to section 6104 made by the law shall be construed to permit the disclosure under section 6104 of confidential business information of contributors to any trust described in section 501(c)(21) of the Code.

Treas. Reg. §301.6104(b)-1(b)(4) sets forth the procedure a contributor to a trust described in section 501(c)(21) must follow in order for the Service not to disclose the information required by section 6033. The regulation is necessary in order for the Service not to release to the public confidential business information of contributors to section 501(c)(21) trusts.

USE OF DATA

The information is used by the IRS to delete, before disclosing to the public, confidential business information from the return filed by trusts described in section 501(c)(21). If the collection of this information is not conducted, there are no consequences to Federal programs or policy activities. However, businesses may have confidential business information disclosed.

USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

We have no plans to offer electronic filing. IRS publication, regulations, notices and letters are to be electronically enabled on an as practicable basis in accordance with the IRS Reform and Restructuring Act of 1998.

EFFORTS TO IDENTIFY DUPLICATION

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

These regulations were published in the **Federal Register** initially as a Notice of Proposed Rulemaking on March 4, 1983. No comments were received on the reporting aspect of the regulation. The NPRM was submitted to OMB at the time of its publication. This regulation became final on April 15, 1985, and was also approved by OMB.

We received no comments during the comment period in response to the **Federal Register** Notice (**74 FR 60028**), dated November 19, 2009.

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

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

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

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Burden Estimation:

Section 301.6104(b)-1(b)(4) sets forth the procedure a contributor to a trust described in section 501(c)(21) must follow in order for the Service not to disclose the information required by section 6033. The regulation is necessary in order for the Service not to release to the public confidential business information of contributors to section 501(c)(21) trusts. We estimate that 22 respondents will spend 1 hour each complying with this procedure, and the total burden will be 22 hours. This amount of time is based upon an estimation of how much time it will take a respondent to delete confidential business information from Form 990-BL (the return filed by section 501(c)(21) trusts), after the Form 990-BL has been prepared.

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

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our **Federal Register** Notice dated November 19, 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 these cost burdens are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Not applicable.

15. REASONS FOR CHANGE IN BURDEN

There is no change in the paperwork burden previously approved by OMB. 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

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulation sunsets as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the

OMB approval and obtain a new expiration date before the old one expires.

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.