

SUPPORTING STATEMENT T.D. 8461

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 468A outlines rules governing the treatment of a qualified nuclear decommissioning fund and contributions to such a fund. Section 1.468A-5 (a)(1)(i) of the Income Tax Regulations requires that each qualified nuclear decommissioning fund be established as a trust under State law. Certain trusts may constitute associations taxable as corporations under classification standards set forth in sections 301.7701-2 through 301.7701-4. If a trust is classified as a taxable corporation, the corporate tax could deplete the assets in the fund, thereby impairing their ability to achieve the purpose for which they were created. In addition, the classification of a fund will impact on the schedule of ruling amounts approved by the Service under section 468A.

2. USE OF DATA

The information will be used to issue private letter rulings to classify an organization under section 301.7701-1(b) and to issue schedules of ruling amounts under section 468A.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

IRS Publications, 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.

4. EFFORTS TO IDENTIFY DUPLICATION

We have attempted to eliminate duplication within the agency wherever 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

Notices of proposed rulemaking were published in the **Federal Register** on June 28, 1990 (55 FR 26460) and August 19, 1991 (56 FR 41102). Public hearings were held on December 20, 1990, and October 2, 1991. Final regulations were published in the **Federal Register** on December 30, 1992.

We received no comments during the comment period in response to the **Federal Register notice dated March 31, 2011 (76 FR 17990)**.

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

If a taxpayer requests, under section 1.468A-5(a)(1)(iv), a ruling as to the classification of certain unincorporated organizations that may be taxable as corporations, section 1.468A-3 (h)(2)(xiv) requires that the taxpayer provide a copy of the documents establishing or otherwise governing the organization. It is estimated that 50 respondents will make one response each, which is estimated to take 2 to 4 hours, depending on individual circumstances, with an estimated average of 3 hours to prepare, for a total estimated reporting burden of 150 hours.

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 March 31, 2011 (76 FR 17990)** 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.

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.