

SUPPORTING STATEMENT
(REG-209828-96)
TD 8758-final

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 468A of the Internal Revenue Code provides that a taxpayer may elect to deduct the amount of payments made to a nuclear decommissioning reserve fund. Section 468A(b) limits the annual amount of payments to the lesser of the ruling amount or the amount of decommissioning costs allocable to the fund that is included in the taxpayer's cost of service for ratemaking purposes for the taxable year. Section 468A(d) provides that no deduction shall be allowed unless the taxpayer requests, and receives a schedule of ruling amounts from the Secretary.

Section 1.468A-3 of the Income Tax Regulations sets forth the requirements for requesting a schedule of ruling amounts from the Secretary. The regulations revise these requirements and reduce the burden to taxpayers by making it easier for a taxpayer to request a schedule of ruling amounts based on a formula or method. This is intended to reduce the frequency that an electing taxpayer needs to request a revised schedule of ruling amounts.

2. USE OF DATA

The data will be used by the Internal Revenue Service to issue schedules of ruling amounts when requested by taxpayers.

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

The notice of proposed rulemaking was published in the Federal Register on December 23, 1996 (61 FR 67510). The public hearing was held on May 13, 1997. The final regulations were published in the Federal Register on January 20, 1998.

In response to the **Federal Register Notice** dated **September 16, 2011 (76 FR 57801)**, we received no comments during the comment period regarding REG-209828-96 (TD 8758-final).

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

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

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

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Regulation section 1.468A-3(a)(4) permits electing taxpayer

to request a schedule of ruling amounts based on a formula or method. It is intended that this will reduce the frequency that an electing taxpayer needs to request a revised schedule of ruling amounts. We estimate that, each taxable year, approximately 20 taxpayers will request a revised schedule of ruling amounts under provisions of this regulation, with an average annual burden per recordkeeper of 5 hours. The total burden for this requirement is 100 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 September 16, 2011 (76 FR 57801)**, 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.