

REG-120476-07 TD 9457 (Final)
SUPPORTING STATEMENT
OMB No. 1545-2146

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

This collection of information results from the requirement to file a return for the payment of the excise taxes under section 4980B, 4980D, 4980E and 4980G. The final regulations provide the requirement for filing of the return and the time for filing.

The ARRA provides for a premium reduction for COBRA continuation coverage elected by certain individuals as the result of an involuntary termination of employment. The failure to provide COBRA continuation coverage upon partial payment is a failure to satisfy the COBRA requirements, resulting in the imposition of the excise tax under section 4980B. However, currently there is no IRS Form or mechanism for the payment and reporting of the excise tax under section 4980B. These final regulations resolve that issue by providing a method and manner for the payment and reporting of the excise tax, and also by serving as a catalyst for the creation of a new form (Form 8928) that will be used for payment of the section 4980B excise tax (as well as other excise taxes under chapter 43).

2. USE OF DATA

The information will be used for payment and reporting of the excise taxes under section 4980B, 4980D, 4980E and 4980G.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There are no plans to provide electronic filing because electronic filing is not appropriate for the collection of information in this submission.

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 collection of information contained in these final regulations was submitted to the Office of Management and Budget in a notice of proposed rulemaking (REG-120476-07) (73 FR 40793) and approved under control number 1545-2146. A public hearing was scheduled for October 30, 2008 (73 FR 40793), but the public hearing was cancelled on October 28, 2008 (73 FR 63914) because we received no requests to speak. The final regulations TD 9457, September 8, 2009 (74 45994) retain the proposed regulations with certain minor modifications. There is no change in the paperwork burden.

Our *Federal Register* notice dated February 10, 2012 (77 FR 7239), requested public comments concerning public burden.

A public comment was received on April 10, 2012 from Proskaur Rose LLP. The program office feels that the comments received from Proskaur Rose is outside the scope of the PRA.

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

Estimated number of respondents is 5000, estimated annual responses per respondent is occasional, less than one a year, and total hours requested is 2,500.

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

Our Federal Register notice dated February 10, 2012 (77 FR 7239), requested public comments.

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Not applicable.

15. REASONS FOR CHANGE IN BURDEN

This information collection is being submitted for renewal purpose.

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 regulations sunset 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.