

**SUPPORTING STATEMENT**  
**OMB No. 1545-1752**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

RP 2008-40 allows issuers of life insurance contracts that have failed to meet the definition of life insurance contract under section 7702 or to satisfy the requirements of section 101(f) of the IRC to cure these contracts so that they do not fail section 7702 or section 101(f). RP 2008-38 allows issuers of variable contracts that have failed to meet the diversification requirements of section 817(h) to cure these contracts so that they do not fail section 817(h). RP 2008-39 allows issuers of life insurance contracts whose contracts have failed to meet the tests of section 7702A to cure these contracts that have inadvertently become modified endowment contracts. Rev. Proc. 2008-41 provides a procedure by which an issuer of a variable contract may remedy an inadvertent failure of a variable contract to meet the diversification requirements of section 817(h). RP 2008-42 provides guidance.

2. USE OF DATA

The data will be used to determine whether a taxpayer may enter into a closing agreement under this revenue procedure.

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

We have attempted to minimize the burden on small businesses or other small entities wherever possible.

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

Revenue Procedure 2008-40 was published in the Internal Revenue Bulletin on July 21, 2008 (2008-29, IRB 151). Revenue Procedure 2008-38 was published in the Internal Revenue Bulletin on July 21, 2008 (2008-29, IRB 139). Revenue Procedure 2008-39 was published in the Internal Revenue Bulletin on July 21, 2008 (2008-29, IRB 143). Revenue Procedure 2008-41 was published in the Internal Revenue Bulletin on July 21, 2008 (2008-29, IRB 155). Revenue Procedure 2008-42 was published in the Internal Revenue Bulletin on July 21, 2008 (2008-29, IRB 160).

In response to the *Federal Register* notice dated August 29, 2013 (78 FR 53505), we received no comments during the comment period regarding these revenue procedures.

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

In accordance with the Privacy Act of 1974, Treasury has published its complete Privacy Act systems of records notices, which include all maintained records systems as of

January 2, 2014; six systems have been amended, altered, or added since April 20, 2010, when the complete notices were last published. See 79 F.R. 209-261 and 79 F.R. 183-206, which was published on January 2, 2014.

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the "Business Master File (BMF)" system and a Privacy Act System of Records notice (SORN) has been issued for this system under IRS 24.046-Customer Account Data Engine Business Master File. The Department of Treasury PIAs can be found at <http://www.treasury.gov/privacy/PIAs/Pages/default.aspx>.

Title 26 USC 6109 requires inclusion of identifying numbers in returns, statements, or other documents for securing proper identification of persons required to make such returns, statements, or documents and is the authority for social security numbers (SSNs) in IRS systems.

#### 12. ESTIMATED BURDEN OF INFORMATION COLLECTION

RP 2008-40: We estimate that 10 respondents will comply with the requirements. The estimated average burden per respondent is 85 hours, for a total estimated burden of 850 hours annually. RP 2008-38: We estimate that 10 respondents will comply. The estimated average burden per respondent is 85 hours, for a total estimated burden of 850 hours annually. RP 2008-39: We estimate that 10 respondents will comply. The estimated average burden per respondent is 85 hours, for a total estimated burden of 850 hours annually. RP 2008-41: We estimate that 10 respondents will comply. The estimated average burden per respondent is 85 hours, for a total estimated burden of 850 hours annually. RP 2008-42: We estimate that 30 respondents will comply. The estimated average annual burden per respondent is 85 hours, for a total estimated burden of 2,550 hours annually.

#### 13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our *Federal Register* notice dated August 29, 2013, (78 FR 53505), 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 responses 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 are no changes to the paperwork burden previously approved by OMB. This submission is for renewal purposes only.

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.