

SUPPORTING STATEMENT  
Internal Revenue Service  
Entry of Taxable Fuel  
REG-120616-03 (T.D. 9346)  
OMB# 1545-1897

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Treasury Decision 9346 contains final regulations relating to the tax on the entry of taxable fuel (gasoline, diesel fuel, and kerosene), into the United States. The final regulations affect enterers of taxable fuel, other importers, and certain sureties.

Section 4081(a)(1)(A)(iii) imposes a tax on the entry into the United States of any taxable fuel, for consumption, use, or warehousing. This collection of information allows certain importers of record and sureties to avoid liability for the tax on the entry of taxable fuel into the United States.

Section 48.4081-3(c)(2)(iii) provides that if an importer of record has an unexpired notification certificate (as described in §48.4081-5) from the enterer and has no reason to believe that any information in the notification certificate is false, the importer of record will not be liable for the tax on the entry of taxable fuel.

Section 48.4081-3(c)(2)(iv) provides that a Customs bond posted with respect to the importation of fuel will not be charged for the tax imposed on the entry of fuel if the enterer is a taxable fuel registrant. If a surety has an unexpired notification certificate (as described in §48.4081-5) from the enterer and has no reason to believe that any information in the notification certificate is false, the surety bond will not be charged for the tax imposed on the entry of taxable fuel.

2. USE OF DATA

The collection of information will allow the importer of record's notification certificate from the enterer to verify that the importer of record is not liable for the tax on the entry of taxable fuel.

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. We have no plans at this time to offer electronic filing because of the low volume compared to the cost of electronic enabling.

4. EFFORTS TO IDENTIFY DUPLICATION

The information obtained through this collection is unique and is not already available for use or adaptation from another source.

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

The collection of information requirement will not have a significant economic impact on a substantial number of small entities.

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

If this information is collected less frequently it would compromise the Agency's ability to verify that the importer of record is not liable for the tax on the entry of taxable fuel thereby hindering the IRS from meeting its' mission and serving the public.

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

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

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

We received no comments during the comment period in response to the *Federal Register* notice dated March 24, 2017, (82 FR 15101).

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

No payment or gift has been provided to any respondents.

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

No personally identifiable information (PII) is collected.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

The collections of information are in § 48.4081-3(c)(2)(iii) and (iv).

- Section 48.4081-3(c)(2)(iii) generally provides that an importer of record may avoid tax liability if the importer of record obtains from the enterer a notification certificate, described in 48.4081-5, which contains the enterer's registration number.

- Section 48.4081-3(c)(2)(iv) generally provides that a surety bond will not be charged for the tax imposed on the entry of the fuel covered by the bond, if at the time of entry, the surety has a notification certificate, described in 48.4081-5, which contains the enterer's registration number.

The estimated annual burden per respondent and/or recordkeeper varies from 15 minutes to 2.25 hours, depending on individual circumstances, with an estimated average of 1.25 hours. The estimated annual number of responses is 1,125, with an estimated total burden of 281 hours.

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
48.4081-3(c)(2)(iv)	Notification certificate	225	5	1125	.25	281
Totals				1125		281

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no start-up costs associated with this collection.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

There is no annualized cost to the federal government.

15. REASONS FOR CHANGE IN BURDEN

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

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis, and publication.

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

There are no exceptions to the certification statement.

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.