

Internal Revenue Service
SUPPORTING STATEMENT
(Form 8849 and Schedules)
OMB #1545-1420

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Sections 6402, 6404, and 6511 of the Internal Revenue Code and sections 301.6402-2, 301.6404-1, and 301.6404-3 of the Regulations allow for refunds of taxes (other than income taxes) which were illegally, erroneously, or excessively collected; or to claim amounts paid for stamps unused or used in error or excess, and (except in the case of income, estate, or gift tax) to file a claim for abatement over assessment of more than the correct amount of tax, interest, addition to tax, or assessable penalty; and to claim a credit, refund, or abatement of interest, penalties, or additions to tax resulting from certain actions by the IRS. Form 8849 is used to claim refunds of excise taxes.

2. USE OF DATA

The information supplied on Form 8849 is used by the IRS to determine the accuracy of the claim filed.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

The Excise Tax e-File and Compliance (ETEC) initiative allows electronic filing of Form 8849 and some of its schedules.

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

The information supplied on Form 8849 is used by the IRS to determine the accuracy of the claim filed. The claim's accuracy could not be confirmed with a less frequent collection and could hinder the IRS from meeting its mission.

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

Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding Form 8849.

In response to the *Federal Register* notice dated **July 21, 2017 (82 FR 33945)**, we received no comments during the comment period regarding Form 8849.

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

No gifts or payments are being 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

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the "Excise Files Information Retrieval System, ExFIRS". 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

The burden estimate is as follows:

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
IRC 6404, 6402, 6511, 6103	Form 8849	53,154	1	53,154	4.21	223,779
6404, 6402, 6511, 6103	Form 8849 Schedule 1	13,399	1	13,399	20.86	279,504
6404, 6402, 6511, 6103	Form 8849 Schedule 2	34,514	1	34,514	11.91	411,062
6426,6427 Notice 2018-21 P.L. 115-123	Form 8849 Schedule 3	4,089	1	4,089	.97	3,967
6404, 6402, 6511, 6103	Form 8849 Schedule 5	239	1	239	3.85	921
6404, 6402, 6511, 6103	Form 8849 Schedule 6	5,300	1	5,300	4.75	25,175
6404, 6402, 6511, 6103	Form 8849 Schedule 8	452	1	452	5.35	2,419
Totals		111,147		111,147		946,827

The following regulations impose no additional burden. Please continue to assign OMB No. 1545-1420 to these regulations.

301.6402-2	31.3503-1	48.6420-2
301.6404-1	48.4081-7	48.6421-3
301.6405-1	41.4481-1	48.6427-3
301.6404-3	44.6419-1	44.6419-2
301.6511(a)	301.6511(b)	301.6511(f)
301.6403-1	53.4961-2	53.4963-1

We have reviewed the regulations and have determined that the reporting requirements contained in them are entirely reflected on the form. The justification appearing in Item 1 of the supporting statement applies to the regulations.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

To ensure more accuracy and consistency across its information collections, IRS is currently in the process of revising the methodology it uses to estimate burden and costs.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The primary cost to the government consists of the cost of printing Form 8849. We estimate that the cost of printing the form is \$16,000.

15. REASONS FOR CHANGE IN BURDEN

Form 8849, Schedule 3, is how Taxpayer file for excise tax payment of credit allowed under IRC 6426 and 6427 biodiesel mixtures and alternative fuel sold or used in 2017. The credit was retroactively reinstated on the P.L. 115-123 for calendar year 2017. Therefore, the burden associated with Schedule 3, 3,967 hours are being added back to the total burden.

Form 8849 Schedule 3	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual IC Time Burden (Hours)	3,967	3,967		0	0	0

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 Form sunsets as of the expiration date. Taxpayers are not likely to be aware that the Service intends to renew the collection and its OMB control number.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB FORM 83-I

There are no exceptions.

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.

19. EMERGENCY JUSTIFICATION

With Notice 2018-21 released on March 7, 2018, Taxpayers have 180 days to elect to use the F8849 Schedule 3 for payment of the excise credit instead of putting it against their 720. This form is how the taxpayer files for excise tax payment of credit allowed under IRC 6426 and 6427 biodiesel mixtures and alternative fuel sold or used in 2017. The credit was retroactively reinstated on the P.L. 115-123 for calendar year 2017. Due to the passage of this legislation being so late in the year made this a last minute rushed product. **Schedule-3 needs to be made available to Taxpayers on April 2, 2018**, so they can get their credit requests in before the 180-day deadline.