

SUPPORTING STATEMENT
(REG-107644-97)

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Regulation section 1.411(d)-4 permits a qualified plan to eliminate certain preretirement optional forms of benefit. In order to eliminate these optional forms of benefit, a plan amendment must be adopted.

2. USE OF DATA

The data will be used by employers that maintain qualified plans, plan administrators of qualified plans and participants in qualified plans as a record of the plan amendment.

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

A notice of proposed rulemaking was published in the Federal Register on July 2, 1997 (62 FR 35752) asking for public comments relating to the collection of information in the proposed regulation. On October 28, 1997, a public hearing was held on the proposed regulations. The final regulations were published in the Federal Register on June 5, 1998 (63 FR 30621).

We received no comments during the comment period in response to the Federal Register Notice (74 FR 15053), dated April 2, 2009.

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 1.411(d)-4 generally provides that a plan amendment that eliminates the right under a plan to commence preretirement benefit distributions after age 70½ (or restricts the right by adding an additional condition) violates section 411(d)(6) if the amendment applies to benefits accrued as of the later of the adoption or effective date of the amendment, but would permit a taxpayer to amend its plan to eliminate such an optional form of benefit in certain circumstances. We estimate that a total of 135,000 taxpayers are affected by this regulation. We estimate that the total burden per recordkeeper of amending their plan will vary from 10 to 30 minutes, depending on whether the taxpayer participates in a master or prototype plan or has an individually designed

plan. The total number of employer recordkeepers who participate in master and prototype plans is 53,568. Each has an estimated burden time of 10 minutes. This equals approximately 8,900 hours. The total number of master and prototype sponsors is 5,597. Each has an estimated burden of 30 minutes. This equals approximately 2,800 hours. The total number of employer recordkeepers with individually designed plans is approximately 74,200. Each has an estimated burden of 30 minutes. This equals approximately 37,100 hours. Thus, the overall paperwork burden is approximately 48,800 hours.

Estimates of annualized cost to respondents for the hour burdens shown above are not available at this time.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our Federal Register Notice dated April 2, 2009, 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 these 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 total burden at this time. 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 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.