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The publications listed above may be obtained by calling 1-800-TAX-FORM (1-800-829-3676). Be sure to order using the IRS publication number.

Application for Approval of Master or Prototype and Regional Prototype Defined Benefit Plan

OMB No. 1545-0169

This Form Is Open to Public Inspection

For IRS Use Only

File folder
number

File This Form With Internal Revenue Service

Section references are to the Internal Revenue Code unless otherwise noted.

The first page of this application is computer scannable. In order for the application to be processed all entries on page one must be typed and no reproductions or substitutes for page one may be submitted.

The answer to the multiple choice questions should be indicated by entering within the brackets the number that indicates your answer to the question.

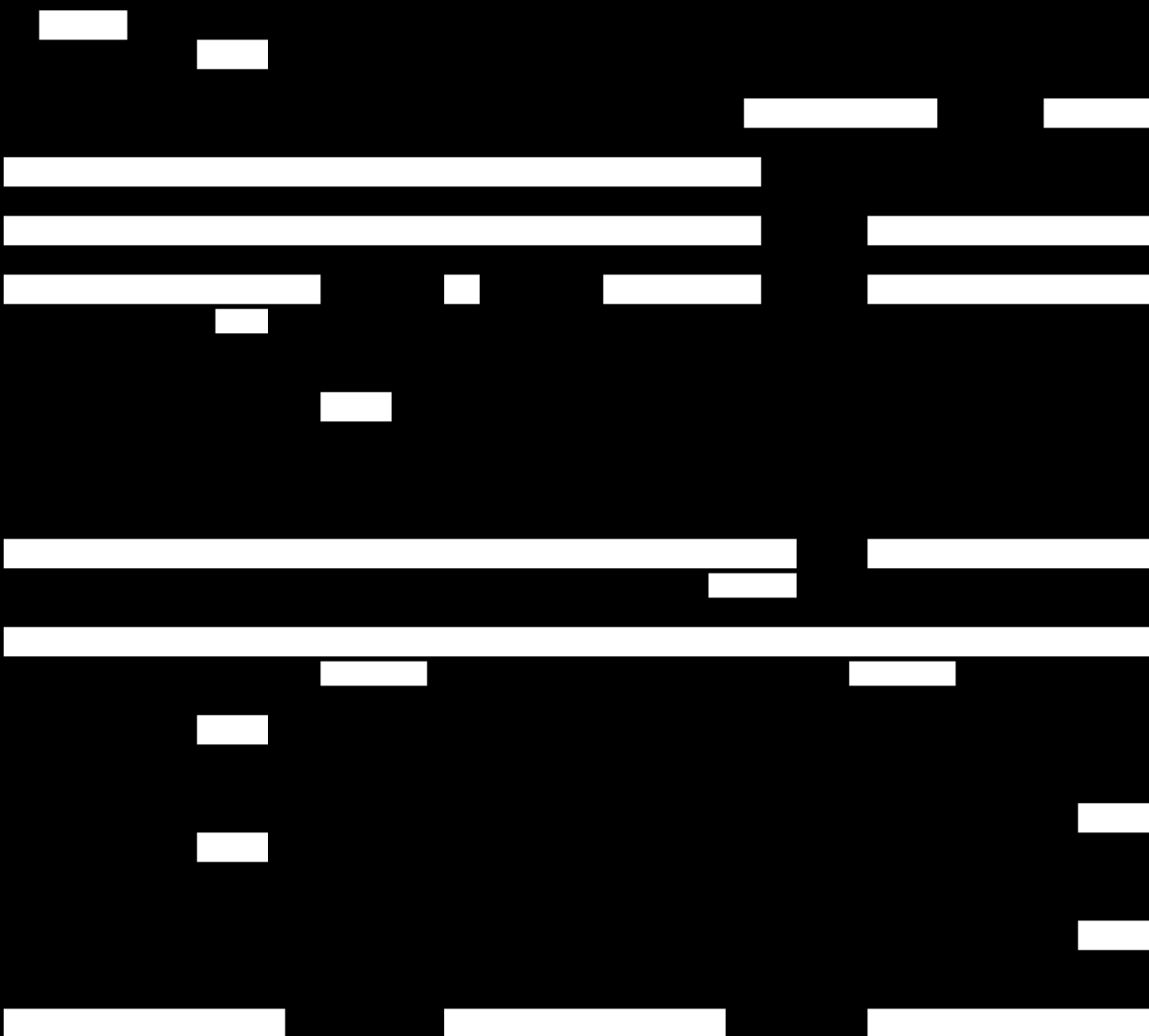
Complete every applicable item on this form. You may only answer "not applicable" (N/A) where an N/A answer is indicated as one of your options.

Part I All Filers Complete This Part. See instructions before completing this form.

1 Enter amount of user fee submitted \$		
2 Approval requested: (1) Initial application (2) Amendment—Enter file folder number and date of last letter issued ▶	File folder number	Date of last letter issued
3a Name of applicant Address (number, street, room or suite no.) (If a P.O. box, see the instructions) City State ZIP code		3b Employer identification number of applicant 3c Applicant's telephone no. ()
3d Type of applicant (1) Sponsoring organization (4) Regional prototype sponsor	(2) Mass submitter sponsoring organization (5) Regional prototype mass submitter	(3) Mass submitter nonsponsoring organization
4 Type of sponsoring organization (1) Bank (3) Insurance company (5) Regulated investment company, investment adviser or principal underwriter		
(2) Trade or professional association (4) Nonbank trustee (attach a copy of authorization letter) (6) Not applicable		
5a Name of person to be contacted	5b Telephone number ()	
5c If a power of attorney is attached enter the number "1" in the brackets		
6a Name of plan		
6b Basic plan document number	c Adoption agreement number (or Regional prototype plan number, if applicable)	
7 Form of plan: (1) Prototype plan (2) Regional prototype plan (3) Master plan		
Note: A master plan has only one trust or custodial account for all adopting employers.		
8 Does the plan provide for permitted disparity in accordance with section 401(l)? . . . (1) Yes (2) No		
9 Filing status of plan (1) Standardized plan not paired (3) Nonstandardized plan		
(2) Standardized plan paired (identify plan(s) paired with this plan by plan name and number on an attached sheet) (4) Nonstandardized safe harbor plan		
10a Is this plan a replacement plan of any other plan(s) of the sponsoring organization? . . . (1) Yes (2) No		
b If "Yes," list the file folder number(s) of the plan(s) replaced below.		

Reminder: A replacement plan must be of the same type as the plan(s) replaced.

Signature Required on Following Page





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< Rev 8/94 >

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Department of the Treasury
Internal Revenue ServiceApplication for
**Approval of Master or Prototype
and Regional Prototype
Defined Benefit Plan**

OMB No. 1545-0169

This Form Is Open to Public Inspection

For IRS Use OnlyFile folder
number**File This Form With Internal Revenue Service**

Section references are to the Internal Revenue Code unless otherwise noted.

The first page of this application is computer scannable. In order for the application to be processed all entries on page one must be typed and no reproductions or substitutes for page one may be submitted.

The answer to the multiple choice questions should be indicated by entering within the brackets the number that indicates your answer to the question.

Complete every applicable item on this form. You may only answer "not applicable" (N/A) where an N/A answer is indicated as one of your options.

Part I All Filers Complete This Part. See instructions before completing this form.**1** Enter amount of user fee submitted

\$ < >

2 Approval requested: < >

(1) Initial application

(2) Amendment—Enter file folder number and date of last letter issued ▶ < >

File folder number

Date of last
letter issued**3a** Name of applicant

< >

Address (number, street, room or suite no.) (If a P.O. box, see the instructions)

< >

City

State

ZIP code

< > < > < >

3b Employer identification number
of applicant

< >

3c Applicant's telephone no.
()**3d** Type of applicant < >

(1) Sponsoring organization

(4) Regional prototype sponsor

(2) Mass submitter sponsoring organization

(5) Regional prototype mass submitter

(3) Mass submitter nonsponsoring
organization**4** Type of sponsoring organization < >

(1) Bank

(3) Insurance company

(5) Regulated investment company, investment adviser or principal underwriter

(2) Trade or professional association

(4) Nonbank trustee (attach a copy of authorization letter)

(6) Not applicable

5a Name of person to be contacted**5b** Telephone number
()**5c** If a power of attorney is attached enter the number "1" in the brackets < >**6a** Name of plan**6b** Basic plan document number < >**c** Adoption agreement number < >
(or Regional prototype plan number, if applicable)**7** Form of plan: < >

(1) Prototype plan

(2) Regional prototype plan

(3) Master plan

Note: A master plan has only one trust or custodial account for all adopting employers.**8** Does the plan provide for permitted disparity in accordance with section 401(l)? . . . (1) Yes (2) No < >**9** Filing status of plan < >

(1) Standardized plan not paired

(3) Nonstandardized plan

(2) Standardized plan paired (identify plan(s) paired with this
plan by plan name and number on an attached sheet)

(4) Nonstandardized safe harbor plan

10a Is this plan a replacement plan of any other plan(s) of the sponsoring organization? . . . (1) Yes (2) No < >**b** If "Yes," list the file folder number(s) of the plan(s) replaced below.

< > < > < >

Reminder: A replacement plan must be of the same type as the plan(s) replaced.

Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief it is true, correct and complete.

Signature ▶

Title ▶

Date ▶

For Paperwork Reduction Act Notice, see page 10.Form **4461-A** (Rev. 8-94)

		Yes	No
11	Procedural requirements:		
a	If a power of attorney is needed, has one been submitted with this application?		
b	If this is an initial request, have the following been submitted as required by instructions—		
1	Adoption agreement?		
2	Copy of plan?		
3	Copy of trust indenture or custodial agreement?		
4	If this is a regional prototype plan, a cover letter requesting approval and stating that the sponsor can reasonably expect at least 30 clients whose principal place of business is located within the jurisdiction of not more than two regions of IRS where the application is being submitted?		
c	Amended or restated plans:		
1	If the amendment is not incorporated into the plan document, have the following been submitted?		
(a)	A copy of the amendment?		
(b)	A description of the amendment and its effect on the plan?		
(c)	A working copy of the plan currently in effect?		
2	If the amendment is incorporated into the plan document, has a copy of the restated plan, with amendments highlighted been submitted?		
3	Will you advise those employers who cannot or do not adopt the amended or restated plan that they may not continue to participate under the master, prototype or regional prototype plan?		
d	Is the plan and trust (or custodial agreement) patterned after and substantially the same as another plan and trust (or custodial agreement) on which a favorable letter has been received? (If "Yes," see specific instructions.) . . .		
e	Mass submitter request:		
1	If this is a master or prototype mass submitter request, have applications on behalf of 10 sponsoring organizations (9, if this is a mass submitter sponsoring organization) been submitted?		
	If this is a flexible plan, answer (i) and (ii) :		
(i)	Have you bracketed and identified the optional provisions of the plan?		
(ii)	Have you included a copy of the written representation describing the choices available to sponsoring organizations and the coordination of optional provisions?		
2	If this is a regional prototype mass submitter request, has a cover letter certifying and identifying by name and address at least 50 sponsors that are expected to sponsor the identical plan been submitted? . . .		
f	Have you submitted the proper user fee? (Submit check or money order.)		
g	If the sponsoring organization is a nonbank trustee, is a copy of the favorable ruling letter enclosed? . . .		

Note: This application is designed to be used in conjunction with Rev. Proc. 89-9 and Rev. Proc. 89-13. A list of required modifications is also recommended for use and may be obtained by writing to the Internal Revenue Service, Employee Plans Technical and Actuarial Division, Washington, DC 20224, Attention CP:E:EP:Q.

In items 12 through 15 indicate the article or section and page number of the plan or trust where the following provisions are contained. All questions must be answered. If not applicable, check "N/A" column; otherwise complete the "Article or Section and Page Number" column.

	N/A	Article or Section and Page Number	For IRS Use Only
12 Provisions applicable to all plans:			
a Definitions:			
Where does the plan define the following terms—			
1 Year of service?			(1)
2 Break in service?			(2)
3 Hour of service under Department of Labor Regulations, including service with all employers aggregated under section 414(b), (c), (m), or (o), and service of any individual considered an employee for purposes of this plan under section 414(n) or (o)?			(3)
4 Elapsed time?			(4)
5 Plan year?			(5)
6 Compensation as defined in section 414(s) or limited by section 401(a)(17)?			(6)
7 Average annual compensation?			(7)
8 Earned income as defined in section 401(c)(2)?			(8)
9 Employee as described in section 414(b), (c), (m), (n), or (o)?			(9)
10 Leased employee as described in section 414(n) or (o)?			(10)
11 Highly compensated employee as defined in section 414(q)?			(11)
12 Owner-employee?			(12)
13 Self-employed individual?			(13)
14 Normal retirement age?			(14)
15 Straight life annuity?			(15)
b Minimum participation standards:			
1 Are the requirements for participation under the plan determined without regard to maximum age?			(16)
2 Will a new employee, otherwise eligible, participate on the earlier of the first day of the first plan year after meeting the minimum age and service requirements of section 410(a)(1) or 6 months after satisfying such requirements?			(17)
3 Does the initial eligibility computation period begin with the date on which the employee first performs an hour of service, and do subsequent eligibility computation periods: (1) begin with the anniversary of such date, or (2) shift to the plan year in accordance with section 2530.202-2(b) of the DOL Regulations?			(18)
4 Is the computation period for determining a break in service the same as is used to compute a year of service for eligibility after the initial computation period?			(19)
5 If all years of service are not counted for participation purposes, is the service not counted excludable under sections 410(a)(5)(B), (C), or (D)?			(20) (21)
6 Will an employee otherwise eligible, who is in an ineligible class of employees, immediately participate on becoming a member of an eligible class?			(22)
c Accrual of benefits:			
1 Does the benefit formula provide for wear-away and fresh-start rules?			(23)
2 Does the plan provide for the determination of a participant's frozen accrued benefit?			(24)
3 Does the plan provide for adjustments to frozen accrued benefits?			(25)
4 Does the current benefit formula provide for no permitted disparity and does it use the fractional accrual rule?			(26)
5 Does the current benefit formula provide for permitted disparity?			(27)
6 Does the plan define covered compensation, final average compensation, and taxable wage base?			(27A)
7 Does the plan provide adjustments for benefits beginning at a time other than normal retirement age?			(27B)

12 Provisions applicable to all plans (<i>continued</i>):	N/A	Article or Section and Page Number	For IRS Use Only
c Accrual of benefits (<i>continued</i>):			
8 If the plan provides for permitted disparity, must mandatory employee contributions be allocated to a separate account?			(27C)
9 If the plan has permitted disparity, is the employer-provided benefit limited in accordance with section 401(a)(5)(d)?			(27E)
10 If the plan has permitted disparity under an offset benefit formula, do retroactive amendments comply with the Social Security Act of 1983?			(27F)
d Benefits increases:			
For a fully insured plan, or a plan that provides an insured death benefit, is there a provision for purchasing additional contracts due to increases in compensation?			(28)
e 1 Does the plan define an accrual computation period?			(29)
2 Does the plan define a year of credited service?			(30)
3 Does the rate of accrual under each benefit formula satisfy one of the following tests at all times:			
<i>i</i> 3 percent rule—section 411(b)(1)(A)?			(31)
<i>ii</i> 133⅓ percent rule—section 411(b)(1)(B)?			(31)
<i>iii</i> Fractional rule—section 411(b)(1)(C)?			(31)
<i>iv</i> Fully insured plan rule—section 411(b)(1)(F)?			(32)
4 Does the plan provide for pre-ERISA accruals?			(33)
5 For purposes of determining accrued benefits, is the normal retirement benefit equal to the greater of the early retirement benefit under the plan or the benefit beginning at normal retirement age?			(34)
6 Do plan participants continue to accrue benefits without reduction in the rate of accruals solely on account of the attainment of any specified age?			(35)
f Employee contributions:			
1 If the plan permitted employee contributions which are allocated to a separate account for any plan year beginning after December 31, 1986:			
<i>i</i> Does the plan prohibit such employee contributions in accordance with Rev. Proc. 89-9 and Rev. Proc. 89-13?			(36)
<i>ii</i> For contributions made after December 31, 1986, does the plan comply with section 401(m)?			(36)
2 Does the plan provide a separate account for the portion of each employee's accrued benefit derived from voluntary employee contributions?			(37)
3 Are employee contributions (adjusted for investment experience) nonforfeitable at all times?			(38)
4 Does the plan require that deductible voluntary employee contributions will be maintained in a separate account?			(39)
g Section 415 limitations:			
Are annual benefits limited as required by section 415?			(40)

12 Provisions applicable to all plans (*continued*):

	N/A	Article or Section and Page Number	For IRS Use Only
h Distribution provisions:			
1 Does the plan state the normal form in which benefits will be paid (life annuity, 10 years certain and life thereafter, etc.)?			(41)
2 Does the plan specify the actuarial assumptions to be used in determining actuarial equivalence which comply with Regulations section 1.417(e)-1?			(42)
3 Are the optional forms of benefits stated in the plan?			(43)
4 If the plan disregards service attributable to a distribution in computing the employer-derived accrued benefit, does the plan contain provisions that satisfy Regulations section 1.411(a)-7(d)(4)?			(44)
5 If the present value of the accrued benefit is greater than \$3,500, is consent of the participant and spouse (if applicable) required when benefits are immediately distributable within the meaning of Regulations section 1.417(e)-1?			(45)
6 i Does a married participant automatically receive a qualified joint and survivor annuity (QJSA), and an unmarried participant the normal form of life annuity?			(46)
ii Is the participant given an opportunity to make a qualified election to waive the automatic form of payment in a manner which satisfies section 417(a)(2) during the election period described in section 417(a)(6)(A)?			(46)
7 i Does the plan provide that the spouse of a deceased participant will receive a qualified preretirement survivor annuity (QPSA) that requires payments not less than the amount specified in section 417(c)(1) in the event of death before the annuity starting date?			(46)
ii Is the participant given an opportunity to make a qualified election to waive the QPSA in a manner which satisfies section 417(a)(2) during the election period described in section 417(a)(6)(B)?			(46)
8 Does the plan designate or enable the employer to elect the percentage (not less than 50%, nor more than 100%) of the survivor annuity provided under the QJSA?			(46)
9 i Does the plan provide for a written explanation of the automatic form of payment in a manner which satisfies section 417(a)(3)(A)?			(46)
ii Does the plan provide for a written explanation of the QPSA in a manner which satisfies section 417(a)(3)(B)?			(46)
10 Do benefits under the plan begin, unless otherwise elected in writing, no later than the 60th day after the latest of the close of the plan year in which: (i) the participant attains the earlier of age 65 or the plan's normal retirement age, (ii) the 10th anniversary of the year in which the participant began participation under the plan occurs, or (iii) the participant terminates his or her service with the employer?			(47)
11 If the plan contains an early retirement provision which requires or could require both a minimum age and service for eligibility, does a participant who meets the service requirement but separates from service before meeting the age requirement begin to receive benefits (unless otherwise elected) upon meeting the age requirement?			(48)
12 Does the plan provide that the terms of any annuity contract purchased and distributed by the plan to a participant or spouse shall comply with the requirements of the plan?			(49)
13 Are annuity contracts nontransferable when distributed?			(50)

12 Provisions applicable to all plans (*continued*):**h** Distribution provisions (*continued*):

	N/A	Article or Section and Page Number	For IRS Use Only
14 Does the plan require that, in accordance with section 401(a)(9):			
i Distributions be made beginning not later than the required beginning date?			(51)
ii Payment of the participant's interest be made at least as rapidly as under the method used prior to death, when the participant dies after distribution has started?			(51)
iii Payment of the participant's interest be made within 5 years of the participant's death, unless one of the exceptions in section 401(a)(9)(B)(iii) or (iv) applies, when payment of the participant's interest has not begun prior to death?			(51)
iv Distributions, if not made in a single sum, will satisfy the minimum distribution rules of section 401(a)(9) and the regulations thereunder, including the minimum distribution incidental benefit requirement of Proposed Regulations section 1.401(a)(9)-2?			(51)
15 Does the plan provide that any preretirement death benefits are incidental?			(52)
16 Does the plan permit distributions only at normal retirement age, plan termination, termination of employment, death, or disability?			(53)
17 Does the plan provide for the direct rollover of an eligible rollover distribution to an eligible retirement plan?			(54)
18 If the plan provides for suspension of benefits upon reemployment with the employer or continued employment beyond normal retirement age, does this provision comply with Department of Labor regulations? . .			(55)
19 Does the plan contain early termination provisions required by Regulations section 1.401-4(c)?			(56)
20 Does the plan contain pre-termination restrictions?			(57)
i Vesting provisions:			
1 Is a computation period for vesting purposes specified in the plan? . .			(58)
2 Is the computation period for determining a break in service the same period which is used to compute a year of service for vesting? . . .			(59)
3 Does the plan provide that an employee will be fully vested on reaching normal retirement age?			(60)
4 Are vesting options limited so that at all times they will provide a percentage of nonforfeitable rights which is not less than the percentage that would be provided under one of the options under section 411(a)(2)?			(61)
5 If all years of service are not counted for vesting purposes, is the service not counted excludable under section 411(a)(4)?			(62)
6 Does the plan contain the vesting break in service one year holdout provision?			(63)
7 Does the plan contain the vesting break in service rule of parity?			(64)
8 Does a participant who has at least 3 years of service have a reasonable period of time after the adoption of an amendment which directly or indirectly affects the calculation of his or her nonforfeitable percentage (including a change to or from a top-heavy vesting schedule) to elect to have his or her nonforfeitable percentage computed without regard to the amendment? . .			(65)
9 Does the plan provide protection against cut back of vested rights or rights to accrued benefits under sections 411(a)(10)(A) and 411(d)(6)? .			(66)
10 If participants may withdraw their contributions or earnings on them, may the withdrawal be made without forfeiting vested benefits based on employer contributions?			(67)
11 If benefits under the plan are forfeited when a participant or beneficiary cannot be located, does the plan provide for a reinstatement of the benefit if a claim is made?			(68)

j Top-heavy:		N/A	Article or Section and Page Number	For IRS Use Only
1	If this plan does not fulfill the basic top-heavy plan requirements at all times, does the plan define the following terms—			(69)
i	Key employee?			(69)
ii	Top-heavy plan?			(69)
iii	Top-heavy ratio (as defined in section 416(g))?			(69)
iv	Permissive aggregation group?			(69)
v	Required aggregation group?			(69)
vi	Determination date?			(69)
vii	Valuation date?			(69)
viii	Present value?			(69)
2	Does the adoption agreement provide a section for the employer to specify the interest rate and mortality table used in determining the top-heavy ratio because of the required aggregation of multiple plans?			(69)
3	Does the plan provide that for the purpose of determining the top-heavy ratio, the accrual rate used will be that used to accrue benefits under all defined benefit plans of the employer, or where there is no such uniform rate, the lowest accrual rate permitted under section 411(b)(1)(C)? . . .			(69)
4	Does the plan provide an accrued benefit (determined without regard to social security) which is at all times not less than 2% of the highest 5 consecutive years' average compensation for each year of service (service may be limited to service while the plan is top-heavy and to a maximum of 10 years of service) for each nonkey employee participant who has completed 1,000 hours of service including a nonkey employee who:			
i	fails to make mandatory contributions to the plan?			(70)
ii	is excluded from the plan because compensation is less than a stated amount?			(70)
iii	is not employed on the last day of the accrual computation period?			(70)
iv	has his or her accrued benefit reduced in any way because of permitted disparity?			(70)
5	If the minimum accrued benefit in 4 is in a form other than a life annuity at normal retirement age, is such minimum accrued benefit at least equal to the actuarial equivalent of the required minimum accrued benefit? .			(71)
6	Are forfeitures of the minimum accrued benefit prohibited in the event a participant:			
i	works beyond the normal retirement age?			(72)
ii	withdraws mandatory employee contributions?			(72)
7	Does the plan provide for vesting not less favorable than the vesting described in section 416(b)?			(73)
k Amendment and termination:				
1	Is there a provision for the sponsor to amend the plan?			(74)
2	Does the plan prohibit adopting employers from amending other than elective provisions (except to the extent necessary to satisfy section 415 or 416 because of the required aggregation of multiple plans) unless the employer wants to cease participation in the master or prototype plan?			(75)
3	Is there a provision for the employer to amend the plan to satisfy sections 415 and 416 because of the required aggregation of multiple plans? .			(75)
4	Are accrued benefits nonforfeitable upon termination or partial termination of the plan to the extent then funded?			(76)
5	Does the plan provide that after merger or consolidation with any other plan or the transfer of assets or liabilities to any other plan, benefits on a termination basis will be no less than before the merger, consolidation, or transfer?			(77)

12 Provisions applicable to all plans (*continued*):**I** Miscellaneous plan provisions:

- | | N/A | Article or Section and Page Number | For IRS Use Only |
|---|-----|------------------------------------|------------------|
| 1 Does the plan prohibit the assignment or alienation of benefits except as provided by sections 401(a)(13) and 414(p)? | | | (78) |
| 2 Do loans to plan participants satisfy the requirements of section 4975(d)(1) and the joint and survivor annuity requirements? | | | (79) |
| 3 Does the plan provide that corpus or income may not be diverted for purposes other than the exclusive benefit of employees or their beneficiaries? | | | (80) |
| 4 Does the plan provide that if it does not attain or retain qualification, the employer can no longer participate under the master or prototype plan? | | | (81) |
| 5 If this is a master plan: | | | |
| i Is only a single funding medium available for use by all adopting employers? | | | (82) |
| ii Does the plan provide that funds held in the master trust on behalf of an adopting employer will be removed as soon as administratively feasible if the employer's plan does not attain or retain qualified status? | | | (83) |
| 6 If the employer maintains a plan of a predecessor employer, does the plan provide that service with the predecessor employer will be counted as service with the employer? | | | (84) |
| 7 Does the plan meet the requirements for aggregation under section 401(d) relating to plans that benefit owner-employees? | | | (85) |
| 8 Does the plan provide that in the event of any conflict between provisions of the plan and the terms of any policy or contract issued under the plan, the provisions of the plan will control? | | | (86) |
| 9 If the plan provides for investment in insurance contracts, does it provide for the disposition of dividends and other credits? | | | (87) |
| 10 Does the adoption agreement contain the sponsoring organization's or representative's name, address, and telephone number for the purpose of adopting employer's inquiries? | | | (88) |
| 11 Does the adoption agreement contain a cautionary statement to the effect that the failure to properly fill out the adoption agreement may result in disqualification of the plan? | | | (88) |
| 12 Does the adoption agreement contain a statement which provides that the sponsoring organization will inform the adopting employer of any amendments made to the plan or of the discontinuance or abandonment of the plan? | | | (88) |

Part II Complete This Part If You Are Filing for a Standardized Plan**13** With respect to this standardized plan:

- | | | | |
|---|--|--|------|
| a Does the plan cover all employees (including individuals required to be considered employees according to section 414(n) or (o) and employees of other members of groups aggregated under sections 414(b), (c), (m) or (o) other than employees who may be excluded under section 410(a)(1) or (b)(3)? | | | (89) |
| b Are the eligibility requirements not more favorable for highly compensated employees, as defined in section 414(q), than for other employees? | | | (90) |
| c Does the adoption agreement contain in close proximity to the employer's signature line a statement that the employer in order to obtain or retain reliance must obtain a determination letter if the employer ever has maintained any other plan (including a welfare benefit plan) other than a specifically designated paired plan? | | | (91) |

Part III Complete This Part If You Are Filing for a Paired Plan**14** With respect to the paired plans:

- | | | | |
|--|--|--|------|
| a Does the defined benefit plan reduce benefits to reflect section 415(e) by multiplying the otherwise applicable limit by 1.0 minus the defined contribution fraction? | | | (92) |
| b Does the plan provide that only one of the paired plans may provide permitted disparity? | | | (92) |

14 With respect to the paired plans (*continued*):**c Complete either Option A or Option B:****Option A**—If full top-heavy minimums are provided in each paired plan (selection Method 1 or Method 2):**1 Method 1**—If the section 415(e) limit is reduced to 1.0 when the top-heavy requirements exceed 60%:*i* Does the plan provide adjustments in defined contribution and defined benefit plan fractions when top-heavy ratio exceeds 60%?

(93)

ii Does the plan provide minimum top-heavy contributions and benefits for defined contribution plans paired with a defined benefit plan? . . .

(94)

2 Method 2—If the section 415(e) limit is reduced to 1.0 when the top-heavy ratio exceeds 90%:*i* Does the plan provide adjustments in the defined contribution and defined benefit fractions when the top-heavy ratio exceeds 90%? . . .

(95)

ii Does the plan provide minimum top-heavy contributions and benefits for defined contribution plans paired with a defined benefit plan? . . .

(96)

Option B—If the paired plans benefit the same participants (select Method 1 or Method 2):**3 Method 1**—If the section 415(e) limit is reduced to 1.0 when the top-heavy ratio exceeds 60%:*i* Does the plan provide adjustments in the defined contribution and defined benefit fractions when the top-heavy ratio exceeds 90%? . . .

(97)

ii Does the plan provide minimum top-heavy contributions and benefits for defined contribution plans paired with a defined benefit plan? . . .

(98)

4 Method 2—If the section 415(e) limit is reduced to 1.0 when the top-heavy ratio exceeds 90%:*i* Does the plan provide adjustments in the defined contributions and defined benefit fraction when the top-heavy ratio exceeds 90%? . . .

(99)

ii Does the plan provide minimum top-heavy contributions and benefits for defined contribution plans paired with a defined benefit plan? . . .

(100)

Part IV Complete This Part If You Are Filing for a Nonstandardized Plan**15** With respect to this nonstandardized plan:**a** If the plan provides for mandatory contributions, does the adoption agreement provide an election for the adopting employer to specify the level of these contributions?

(101)

b Does the plan define the accrued benefit derived from employer contributions as the total accrued benefit, less the accrued benefit derived from mandatory employee contributions as provided in Regulations section 1.411(c)-1? . . .

(102)

c Is the accrued benefit attributable to mandatory employee contributions nonforfeitable at all times?

(103)

d Does the plan meet the minimum age and service requirements of section 410(a)(1)?

(104)

e Does the plan exclude categories of employees participation in addition to those who may be excluded under section 410(a)(1) or section 410(b)(3)? . . .

(104)

f 1 Does the adoption agreement contain, in close proximity to the employer's signature line, a statement that adopting employers may not rely on an opinion letter issued by the National Office with respect to the qualification of this plan unless they apply to the appropriate key district office for a determination letter?

(106)

2 If this is a Regional prototype plan, does the adoption agreement contain, in close proximity to the employer's signature line, a statement that adopting employers may not rely on a notification letter with respect to the qualification of this plan unless they apply to the appropriate key district office for a determination letter?

(106)

Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us this information. We need it to determine whether you meet the legal requirements for plan approval.

The time needed to complete and file this form will vary depending on the individual circumstances. The estimated average time is:

Recordkeeping 44 hr., 29 min.

Learning about the law or the form. 6 hr., 29 min.

Preparing the form 9 hr., 22 min.

Copying, assembling, and sending the form to the IRS . . 32 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Attention: Reports Clearance Officer, PC:FP, Washington, DC 20224; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-0169), Washington, DC 20503. **DO NOT** send this form to either of these offices. Instead, see **Where To File** below.

General Instructions

Purpose of Form

Use Form 4461-A to apply for initial approval of, or for approval of an amendment to:

- A master or prototype defined benefit plan.
- A regional prototype defined benefit plan.

The first page of this form is designed to be used with optical scanning equipment and must be filed in its original form. No reproductions or substitutes of page one will be accepted. All entries on page one must be typed in black ink in either pica or elite, 10 or 12 characters to the inch.

Be sure to submit a complete and accurate application. Complete every applicable line on the application. If an item does not apply, check the "N/A" box or enter "N/A" on the line. If your application is not complete, we will return it without processing it.

The questions are designed so that, unless they are not applicable, the article or section and page numbers indicating the location in the plan of the provision should be entered in the appropriate column.

Inadequate submissions.—The IRS will return, without further action, plans which are not in substantial compliance with the qualification requirements or plans that are so deficient that they cannot be reviewed in a reasonable amount of time.

A master or prototype plan will not be considered in substantial compliance if it omits any of the requirements set forth in section 10.07 of Rev. Proc. 89-9, 1989-1 C.B. 797.

A regional prototype plan will not be considered to be in substantial compliance if it omits any of the requirements set forth in section 6.02 of Rev. Proc. 89-13, 1989-1 C.B. 780.

Rev. Proc. 89-9 and Rev. Proc. 89-13 have been modified by the following:

Rev. Proc. 90-17, 1990-1 C.B. 479,
Rev. Proc. 90-21, 1990-1 C.B. 499,
Rev. Proc. 91-41, 1991-2 C.B. 697,
Rev. Proc. 92-41, 1992-1 C.B. 870,
Rev. Proc. 93-9, 1993-1 C.B. 474,
Rev. Proc. 93-12, 1993-1 C.B. 479, and
Rev. Proc. 94-12, 1994-3 I.R.B. 14.

Rev. Proc. 89-13 was also modified by Rev. Proc. 90-20, 1990-1 C.B. 495.

Who May File

Master or prototype plans.—Sponsoring Organizations and Mass Submitters (see **Definitions** on page 11).

Regional prototype plan.—Sponsors and mass submitters (see **Definitions** on page 11).

What To File

One copy of Form 4461-A should be submitted for each different adoption agreement.

For initial approval, file this application and each applicable document listed in item 11(b). For approval of an amendment, file this application and a copy of each applicable document listed in item 11(c).

Different parts of this form must be completed depending on the type of plan for which you want approval.

Standardized plans.—If you want to receive an opinion letter or a notification letter on a standardized plan, complete Parts I and II.

Paired plans.—If you want to receive an opinion letter or a notification letter on a paired plan, complete Parts I, II, and III.

Nonstandardized plans.—If you want to receive an opinion letter or notification letter on a plan other than a standardized or paired plan, complete Parts I and IV. A nonstandardized safe harbor plan must meet the requirements of Rev. Proc. 93-10, 1993-1 C.B. 476, as modified by Rev. Proc. 93-39, 1993-2 C.B. 513.

Regional prototype plans.—Complete Parts I through IV, as appropriate, whether you are filing with the National Office as a regional prototype mass submitter or with the key district office as a sponsor of a regional prototype plan. When filing with the key district office, **Form 8717**, User Fee for Employee Plan Determination Letter Request, should be submitted along with this application. To request a notification letter on behalf of a sponsor

who adopts a mass submitter regional prototype plan, file **Form 4461-B**, Application for Approval of Master or Prototype Plan, or Regional Prototype Plan, Mass Submitter Adopting Sponsor, with the appropriate key district office.

Multiple plans.—A sponsoring organization or sponsor may utilize one basic plan document for several plans. A sponsoring organization may, for example, submit four applications for a given defined benefit basic plan document (an integrated standardized plan, a nonintegrated standardized plan, an integrated nonstandardized plan, and a nonintegrated nonstandardized plan). A separate adoption agreement and completed application must be provided for each such defined benefit plan. In the case of a simultaneous submission, only one basic plan document need be submitted. If the request is not simultaneous, separate basic plan documents must be submitted (but the number assigned to the basic plan document of a master or prototype plan remains the same).

A sponsoring organization in pairing a defined benefit plan with a defined contribution plan may provide an integrated defined benefit plan, and a nonintegrated defined benefit plan as part of the paired plan arrangement only if both the integrated defined benefit plan and the nonintegrated defined benefit plan share the identical basic plan document.

Paired plans must be submitted simultaneously. Paired plans are paired by the basic plan documents.

Where To File

Master or prototype plan.—File Form 4461-A with Internal Revenue Service, Assistant Commissioner (Employee Plans and Exempt Organizations), CP:E:EP:Q, P.O. Box 14073, Ben Franklin Station, Washington, DC 20044.

Mass submitter of a regional prototype plan.—File Form 4461-A with Internal Revenue Service, Assistant Commissioner (Employee Plans and Exempt Organizations), Attention: CP:E:EP:Q, P.O. Box 14073, Ben Franklin Station, Washington, D.C. 20044.

Sponsor of regional prototype plan.—File Form 4461-A with the key district office serving your geographic area. See Form 8717 for a list of key district offices. Sponsors of regional prototype plans must attach Form 8717 and the appropriate user fee when filing Form 4461-A with a key district office.

Signature.—Form 4461-A must be signed by a partner or officer of the applicant who is authorized to sign, or other person authorized by a power of attorney. The power of attorney should be filed with the application.

Disclosure requested by taxpayer.—The Tax Reform Act of 1976 permits a taxpayer to request the Service to disclose and

discuss the return or return information with any person or persons whom the taxpayer designates in a written request. If you want to designate a person or persons to assist in an application for approval, you must provide the IRS office of jurisdiction with a written request that contains:

- The taxpayer's name, address, employer identification number, and plan number(s).
- The name, address, social security number, and telephone number(s) of the person or persons whom you are authorizing to receive return information.
- A paragraph that clearly describes the return or return information that you authorize the IRS to disclose.
- An authorized signature.

As an alternative to providing the above statement, **Form 2848**, Power of Attorney and Declaration of Representative, may be submitted.

Definitions

Adoption agreement.—The part of the plan containing all the options that may be selected by the adopting employer. Each separate adoption agreement is treated as a separate plan and will receive its own opinion or notification letter.

Basic plan document.—The part of the plan containing all the nonelective provisions applicable to all adopting employers. No options (including blanks to be completed) may be provided in the basic plan document except for options in flexible plans.

Favorable TEFRA opinion letter.—A favorable opinion letter issued by the National Office after July 18, 1985.

Flexible plan.—A flexible plan is a plan submitted by a mass submitter which contains certain optional provisions as allowed by Rev. Proc. 89-9. Sponsoring organizations that adopt a flexible plan may include or delete any optional provision designated as such in the mass submitter's plan. A flexible plan adopted by a sponsoring organization which differs from the mass submitter plan only because of the deletion of certain optional provisions will be treated as a word-for-word identical plan to the mass submitter plan.

Mass submitter.—Any entity that submits applications for at least 10 sponsoring organizations that will sponsor a word-for-word identical Master or Prototype plan. A mass submitter that is a sponsoring organization may count as 1 of the 10 sponsoring organizations.

Mass submitter regional prototype plan.—A plan that is made available to sponsors by a regional prototype mass submitter and that would otherwise meet all of the requirements applicable to regional prototype plans.

Master plan.—A form of plan that is made available by a sponsoring organization for adoption by employers for which a single

funding medium (e.g., a trust or custodial account) is established, as part of the plan, for the joint use of all adopting employers. A master plan consists of an adoption agreement and a basic plan document.

Paired plans.—A combination of either two or more defined contribution standardized plans or one or more defined contribution standardized plans and one or more defined benefit standardized plans, so designed that if any single plan or combination of plans is adopted by an employer, each plan in itself, or the plans together, will meet the anti-discrimination rules set forth in section 401(a)(4), the contribution and benefit limitations set forth in section 415, and the top-heavy provision set forth in section 416. Paired plans must have the same sponsoring organization and they must be submitted for initial approval at the same time. Each set of paired plans must be limited to two different basic plan documents: one for a defined benefit plan and one for a defined contribution plan. Only one of the paired plans an employer adopts may be integrated.

Prototype plan.—A form of plan that is made available by a sponsoring organization for adoption by employers under which a separate funding medium is established for each adopting employer. A prototype plan consists of an adoption agreement and a basic plan document.

Regional prototype plan.—A plan that is made available by a regional sponsor for adoption by employers, and which consists of an adoption agreement, a basic plan document and, except in the case where the basic plan document incorporates a trust or custodial account agreement the provisions of which are applicable to all adopting employers, a trust or custodial document.

Regional prototype plan mass submitter.—Any person that can establish that, if it receives a favorable notification letter for a regional prototype plan it has submitted to the Service, there are at least 50 unaffiliated sponsors that will adopt the plan on a word-for-word identical basis.

Replacement plan.—A plan submitted by a sponsoring organization that restates or amends a prior plan of the sponsoring organization which has a favorable TEFRA opinion letter as of the date the replacement plan is submitted. Except to the extent permitted under Regulations sections 1.401(a)-4 and 1.411(d)-4, a replacement plan must preserve all section 411(d)(6) protected benefits that were provided under the replaced plan, and must be the same type as the plan replaced (e.g., both plans are defined benefit plans). The plan replaced can only be replaced by one basic plan document, but such replacement may contain additional adoption agreements.

Sponsoring organization.—A bank (as defined in section 581), an insured credit union within the meaning of section 101(6)

of the Federal Credit Union Act, a person that has been approved by the IRS in accordance with Regulations section 1.401-12(n) to act as a nonbank trustee, an insurance company, a regulated investment advisor that has an advisory contract with one or more regulated investment companies, or a principal underwriter that has a principal underwriting contract with one or more regulated investment companies. The term "sponsoring organization" also includes a trade or professional organization having characteristics similar to those described in section 501(c)(6) which markets its plan only to its members in their capacity as adopting employers.

Sponsor.—A firm, other than a sponsoring organization, that (1) has an established place of business in the United States where it is accessible during every business day, and (2) either has at least 30 clients that have their principal place of business within the jurisdiction of not more than two regions of the Service and are expected to adopt the sponsor's regional prototype plan, or has at least three clients that are expected to adopt a mass submitter regional prototype plan for which a favorable notification letter has been issued to its sponsor.

Standardized plan.—A plan that meets the specific requirements of Part II of this form.

Specific Instructions

Line 1.—All applications must be accompanied by the appropriate user fee from the schedule set forth in Rev. Proc. 94-8, 1994-1 I.R.B. 176, when filing with the National Office. When Form 4461-A is filed with a key district office, attach Form 8717 and the appropriate user fee. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

Line 2.—Enter a "1" if this application is for initial approval. If the application is for an amended plan, enter a "2" and complete the boxes to the right of line 2.

Line 3a.—Enter the name and address of the plan sponsor. If the Post Office does not deliver mail to the street address and the sponsor has a P.O. box number, show the box number instead of the street address.

Line 4(5).—Investment advisor/principal underwriter must be contracted with a regulated investment company. See definition of sponsoring organization.

Line 4(6).—N/A may be indicated only if (3), (5), or (6) is indicated on line 3d.

Line 5a.—If the person to be contacted is other than an employee of the applicant, please enclose an authorized power of attorney. See **Disclosure requested by taxpayer** on page 10.

Line 6b.—(For master and prototype plans only.) Enter the two-digit basic plan document number you have assigned to the basic plan document designed to

accompany the adoption agreement for which you are requesting approval. All basic plan documents from one sponsoring organization which are the same (word-for-word) should use the same two-digit number on all applications. The first basic plan document submitted should be numbered "01," the second, "02," etc.

Line 6c.—Master and prototype plans. Enter the three-digit number you have assigned to the adoption agreement for which this application is submitted. Each different adoption agreement designed to accompany a single basic plan document should be given a different three-digit number beginning with "001." For example, if the first basic plan document of a sponsoring organization has four different adoption agreements, they should be numbered "001" through "004," and four different Forms 4461-A should be submitted. Adoption agreements submitted with the second or any subsequent basic plan documents (that are not word-for-word identical to a previously submitted basic plan document) should be similarly numbered beginning with "001."

Regional Prototype Plans.—Enter the three digit plan number beginning with 001. See Rev. Proc. 89-13, section 10.02.

Line 8.—Indicate if this plan provides for permitted disparity in accordance with sections 401(a)(5) and 401(l) by entering the appropriate number.

Line 9.—Paired plans. Attach a list showing the name(s) and three-digit adoption agreement number(s) (plan number for regional prototype plan) of the plan or plans designed to be paired with this plan. Initial requests for approval of paired plans must be submitted together.

Line 10.—Replacement plans. Enter the file folder numbers of each plan being replaced. If more than three plans are being replaced, attach an additional sheet to the back of this application containing the information requested on line 10.

Line 11.—Procedural requirements. A separate application must be submitted for each different plan/adoption agreement combination.

Line 11c.—The applicant must submit, along with this application, either: (a) a copy of the amendment, a description of the amendment and its effect on the plan, and a working copy of the plan currently in effect, or (b) a copy of the amended plan in restated form with areas of change highlighted (a restated plan). If a restated plan is being submitted with this application, a copy of the amendment and a description of the amendment need not be submitted. The Internal Revenue Service may, at its discretion, require plan restatement any time it deems necessary.

Line 11d.—If you checked "Yes," submit a copy of such plan with language differences highlighted. Attach a cover letter which provides the name and file

folder number of the plan (including the name and EIN of the sponsoring organization), a list of all plans written by the plan drafter which are substantially identical to the lead plan (including the information described above), a description of each place where the plan for which the application is being submitted is not word-for-word identical to the language of the lead plan (including an explanation of the purpose and effect of each difference), and a certification, made under penalty of perjury by the plan drafter, that the information describing where the plan language is not word-for-word identical is true and complete.

Line 11e.—A master or prototype mass submitter must submit the applications of at least 10 sponsoring organizations which will sponsor a word-for-word identical master or prototype plan. A mass submitter which is a sponsoring organization may count as 1 of the 10 sponsoring organizations. A regional prototype mass submitter must submit a certification identifying by name and address at least 50 sponsors who are expected to sponsor the identical plan.

The mass submitter should use Form 4461-B when submitting applications on behalf of its adopting sponsoring organizations. The regional prototype mass submitter should use Form 4461-B when submitting applications on behalf of its sponsor.

