

Application for
**Approval of Master or Prototype
Defined Contribution Plan**

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.

Complete every applicable part of this form. If an item or part does not apply, check "N/A" box or enter "N/A."

Part I All Filers Complete This Part

1 Approval requested: **See Specific Instructions for line 1 before completing 1, 2, 3 or 4.**

a Initial application (1) Latest letter serial number or notification letter number (2) Date letter issued (3) File folder number (4) Effective date of amendment

b Amendment—Enter ▶

2 a Name of sponsoring organization
Address (number and street)
City or town, state, and ZIP code

2 b Employer identification number of sponsor

2 c Sponsor's telephone no.
()

3 a Name of person to be contacted (See instructions and check if power of attorney is attached)

3 b Telephone number
()

4 Type of sponsoring organization

a Bank d Trade or professional association

b Insurance company e Investment advisor/principal underwriter (see specific instructions)

c Regulated investment company f Other (Specify)

5 a Name of plan

b Plan number c Basic plan document number

6 Form of plan:

a Prototype plan b Uniform plan c Master plan (complete 7 through 10 below)

Note: A master plan has only one trust or custodial account for all adopting employers.

7 If plan is trustee, enter name, address, and ZIP code of fiduciary (trustee or custodian)

8 Date trust or custodial account was signed

9 Month in which accounting period of trust or custodial account ends:

10 Enter the section and page number in the trust instrument that provides that funds held in the master trust on behalf of an adopting employer will be removed as soon as administratively feasible if the employer does not attain or retain qualified status.
Section ▶ Page number ▶

11 Type of plan:

a Money purchase c Target benefit

b Profit-sharing d 401(k)

12 Does the plan provide for integration with social security or railroad retirement? Yes No

13 Type of funding entity:

a Trust described in section 401(a) b Nontrusteed (fully insured)

c Custodial account described in section 401(f)

14 Filing status of plan (see General Instructions)

a Standardized plan

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

c Nonstandardized plan

15 Is this a mass submitter application? Yes No
If "Yes," attach a list of at least 10 sponsoring organizations which will adopt this plan.

16 Does this plan replace any other plan(s) of the sponsoring organization? Yes No
If "Yes," list plan number(s) and file folder number(s) of plan(s) replaced below.

a First plan Plan number File folder number

b Second plan Plan number File folder number

c Third plan Plan number File folder number

In items 17 through 20 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.

17 Provisions applicable to all plans:

(a) Definitions:

(1) Where does the plan define the following terms—

- (i) Year of service?**
- (ii) Break in service?**
- (iii) Hour of service under Department of Labor Regulations, including service with all employers aggregated under sections 414(b), (c), and (m), and service of any individual considered an employee for purposes of this plan under section 414(n)?**
- (iv) Plan year?**
- (v) Compensation? (If plan is integrated or standardized, is this equal to total compensation?)**
- (vi) Taxable wage base (integrated plans only)?**
- (vii) Normal retirement age (including a provision that this age may not exceed any mandatory retirement age enforced by the employer)?**
- (viii) Qualified joint and survivor annuity?**
- (ix) Disability?**
- (x) Earned income as defined in section 401(c)(2)?**
- (xi) Employer (including all corporations and trades or businesses under common control and affiliated service groups)?**
- (xii) Owner-employee?**
- (xiii) Self-employed individual?**

N/A	Article or Section and Page Number	For IRS Use Only
		(1)
		(2)
		(3)
		(4)
		(5)
		(6)
		(7)
		(8)
		(9)
		(10)
		(11)
		(12)
		(13)

(b) Minimum participation standards:

- (1) 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?**
- (2) Does the initial eligibility computation period begin with the date on which the employee first performed an hour of service?**
- (3) Is an employee required to complete no more than 1,000 hours of service during the computation period to be credited with a year of service?**
- (4) If the plan year becomes the eligibility computation period after the initial computation period, answer (i) and (ii).**
 - (i) Is that plan year the first plan year beginning after the first day of the initial eligibility period?**
 - (ii) Is an employee credited with 2 years of service for eligibility purposes if the employee completes 1,000 hours of service in both computation periods?**
- (5) If the plan disregards eligibility service before a 1-year break in service until the employee has completed a year of service after his or her return, does the plan measure such year of service with reference to the employee's reemployment commencement date according to the rules in section 2530.200b-4(b)(1) of the DOL Regulations?**
- (6) 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?**
- (7) 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)?**
- (8) Does the plan provide that if a participant incurs a break in service and terminates employment after earning a nonforfeitable right to a portion of his or her account balance he or she will participate immediately upon returning to the employ of the employer?**
- (9) If an employee has no vested benefit and sustains 5 consecutive 1-year breaks in service, when the number of consecutive breaks in service is less than the greater of 5 or the total number of years of service, does the employee participate immediately upon returning to the employ of the employer?**

		(14)
		(15)
		(1)
		(16)
		(16)
		(17)
		(18)
		(19)
		(20)
		(21)

	N/A	Article or Section and Page Number	For IRS Use Only
(c) Employer contributions:			
(1) If this is a money purchase plan, are contributions on behalf of each participant determined under a definite formula?			(22)
(2) If this is a profit-sharing plan, are contributions allocated under a definite formula?			(23)
(3) If this is a target benefit plan, answer (i) and (ii).			
(i) Does the plan contain a formula for computing the targeted benefit at normal retirement age?			(24)
(ii) Does the plan provide interest factor tables for calculation of contributions?			(25)
(4) Is the contribution or allocation formula integrated as per section 401(l)?			(26)
(5) Are matching contributions limited by section 401(m)?			(27)
(6) If this is a cash or deferred arrangement, answer (i), (ii), and (iii):			
(i) Are highly compensated employees properly defined?			(28)
(ii) Is the actual deferral percentage (ADP) test met?			(29)
(iii) Are elective contributions limited to \$7,000 (as adjusted)?			(30)
(7) Are annual additions limited as required by section 415?			(31)
(8) Does the plan meet the requirements for aggregation under section 401(d)(1) relating to plans that benefit owner-employees?			(32)
(9) If the plan is fully insured or provides an insured preretirement death benefit, and there is a provision for purchasing additional contracts due to increases in compensation, will additional contracts be purchased when contributions are sufficient to purchase a policy with a face amount of \$1,000 or a \$10 additional monthly benefit?			(33)
(10) Does the plan require separate accounting for each employee's accrued benefit?			(34)
(d) Employee contributions:			
(1) Are all employee contributions and earnings on those contributions nonforfeitable at all times?			(35)
(2) Are nondeductible voluntary contributions limited to 10% for all qualified plans?			(36)
(3) Does the plan either (i) provide for separate accounts for employer and nondeductible employee contributions, or (ii) identify what portion of an account balance is attributable to employer and nondeductible employee contributions according to section 411(c)(2)?			(37)
(e) Forfeiture provisions:			
(1) Are forfeitures used to reduce employer contributions?			(38)
(2) If forfeitures may be used to increase benefits, are such forfeitures allocated on the basis of compensation?			(39)
(3) Does the plan provide that forfeitures resulting from contributions of an adopting employer cannot be reallocated for the benefit of another adopting employer?			(40)
(4) 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?			(41)

(f) Distribution provisions:

N/A	Article or Section and Page Number	For IRS Use Only
/	/	/
		(42)
		(42)
/	/	/
		(44)
		(45)
/	/	/
		(47)
		(48)
/	/	/
/	/	/
/	/	/

(1) If this is a pension plan or not a profit-sharing plan described in 4 below, unless otherwise properly elected, does a married participant receive a qualified joint and survivor annuity and an unmarried participant a life annuity?

(2) Is the participant given an opportunity to elect out of the joint and survivor annuity during an election period that meets the requirements of section 417?

(3) (i) Does the plan provide, unless otherwise elected with spousal consent, that the spouse of a deceased participant will receive a qualified preretirement survivor annuity in the event of death before retirement?

(ii) Does the plan provide for a qualified preretirement survivor annuity that requires payments to the survivor not less than the amount specified in section 417(c)?

(4) If this is a profit-sharing plan and the participant does not elect a life annuity, does the plan provide a survivor benefit at least equal in value to the vested portion of the participant's account balance as of the date of death?

(5) If the plan permits distributions prior to 5 consecutive 1-year breaks in service (upon termination of employment, hardship distributions, change to ineligible class, etc.), does the plan contain either (i) payback provisions, or (ii) separate account provisions required under regulations section 1.411(a)-7(d)(4) and (5)?

(6) If the vested account balance is greater than \$3,500, is consent of participant and spouse (if applicable) required when benefits are immediately distributable?

(7) 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?

(8) 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?

(9) Are annuity contracts nontransferable when distributed?

(10) Do annuity contracts meet the requirements of section 411(a)(11) and 417?

(11) Does the plan require that distributions be made according to section 401(a)(9) beginning on April 1 following the end of the year in which:

(i) A 5% owner attains age 70½?

(ii) An employee other than a 5% owner attains age 70½ or retires, whichever is later?

Does the plan require distribution on the death of the participant for:

(i) Payment of the participant's interest at least as rapidly as under the method used prior to death, when the participant dies after distribution of the interest has started;

(ii) Payment of the participant's interest within 5 years of the participant's death unless an election is made by a designated beneficiary (including a surviving spouse) when payment of the participant's interest has not begun prior to death?

(g) Vesting provisions:

	N/A	Article or Section and Page Number	For IRS Use Only
(1) Is a computation period for vesting purposes specified in the plan?			(50)
(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?			(50)
(3) Does the plan provide that a participant will be fully vested on reaching normal retirement age?			(51)
(4) If the plan contains vesting options, are they 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)?			(52)
(5) If all years of service are not counted for vesting purposes, is the service not counted excludible under section 411(a)(4)?			(53)
(6) If a participant separates from service, does the plan require that upon reemployment the participant's prebreak service will be considered for vesting purposes in the postbreak account balance after he or she has completed no more than a year of service?			(54)
(7) If an employee who has no vested interest separates from service and is reemployed before the number of consecutive 1-year breaks in service equals or exceeds the greater of 5 or the number of years of service whether or not consecutive ("Rule of Parity"), does the plan require that upon reemployment his or her prebreak service will be considered for vesting purposes in the postbreak account balance?			
(8) If years of service after 5 consecutive 1-year breaks in service are not taken into account for purposes of determining the nonforfeitable percentage of a participant's prebreak accrued benefit derived from employer contributions, does the plan provide for separate accounts for prebreak and postbreak accrued benefits or otherwise meet the requirements of regulations section 1.411(b)-1(e)(2)?			
(9) Does a participant who has at least 5 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?			(57)
(10) Does the plan provide protection against cutback of vested rights or rights to accrued benefits under sections 411(a)(10)(A) and 411(d)(6)?			(58)

N/A	Article or Section and Page Number	For IRS Use Only
(h) Top-heavy:		
(1) If this plan does not always provide top-heavy minimums, does the plan define the following terms—		
(i) Key employee?		(59)
(ii) Top-heavy plan?		(59)
(iii) Top-heavy ratio (as defined in section 416(g) (1))?		(59)
(iv) Permissive aggregation group?		(59)
(v) Required aggregation group?		(59)
(vi) Determination date?		(59)
(vii) Valuation date?		(59)
(viii) Present value?		(59)
(2) Does the plan provide for a minimum contribution (determined without regard to social security) for each nonkey-employee participant who has not separated from service at the end of the plan year equal to the lesser of (a) 3% of compensation, or (b) the highest contribution rate applicable to any key employee, including minimum contributions for nonkey employees who:		
(i) fail to complete 1,000 hours of service?		(60)
(ii) fail to make mandatory contributions to the plan?		(60)
(iii) are excluded from the plan because of compensation less than a stated amount?		(60)
(3) Is compensation in 2 above total compensation?		(60)
(4) Does the plan prohibit forfeitures of required minimum contributions because of withdrawal of mandatory contributions described in section 411(a)(3)(D)?		(61)
(5) Does the plan provide that only the first \$200,000 of compensation of each participant will be taken into account for purposes of determining contributions under the plan?		(62)
(6) Does the plan provide for vesting not less favorable than the vesting described in section 416(b)?		(63)
(i) Death benefits:		
(1) If life insurance is provided, are premiums properly limited?		(64)
(2) If ordinary life insurance contracts are purchased, will such contracts be either converted to cash or an annuity contract at or before retirement or distributed to the participant?		(65)
(3) Are insurance contracts owned and held by the trustee in accordance with the terms of the plan including joint and survivor annuity requirements, if any?		(65)
(j) Investment provisions:		
(1) Trust or custodial accounts:		
(i) Are assets valued at least annually, on a specified date, and at current fair market value?		(66)
(ii) Are trust earnings and losses allocated on the basis of account balances?		(66)
(2) If the plan provides for investment in insurance contracts, does it provide for the disposition of dividends and other credits?		(66)
(3) If investments, including insurance contracts, may be earmarked, are such investments subject to the employee's consent or purchased ratably where employee consent is not required?		(68)
(4) Does the plan provide that in the event of any conflicts between provisions of the plan and the terms of any policy or contract issued under the plan, the provisions of the plan will control?		(69)

	N/A	Article or Section and Page Number	For IRS Use Only
<p>(k) Amendment and termination:</p> <p>(1) Is there a provision for the sponsor to amend the plan?</p> <p>(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 or because of a waiver of minimum funding deficiency) unless the employer wants to cease participation in the master or prototype plan?</p> <p>(3) Is there a provision for the employer to amend the plan in order to satisfy section 415 because of the required aggregation of multiple plans?</p> <p>(4) Are amounts credited to participants' accounts nonforfeitable upon termination or partial termination of the plan?</p> <p>(5) Under a profit-sharing plan, are the employees' rights under the plan nonforfeitable upon complete discontinuance of contributions?</p> <p>(6) Does the plan provide that after merger, transfer of assets or liabilities, or consolidation, benefits on a termination basis will be no less than before the merger, consolidation, or transfer?</p> <p>(7) Does the plan provide that if an adopting employer does not attain or retain qualification, the employer can no longer participate under the master or prototype plan?</p> <p>(8) If this is a pension plan, does the plan contain provisions or provide for the employer to add provisions in the adoption agreement for operation of the plan when it has a waived funding deficiency? (See Rev. Rul. 78-223.)</p>	<p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">(70)</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">(71)</p> <p style="text-align: center;">(71)</p> <p style="text-align: center;">(72)</p> <p style="text-align: center;">(72)</p> <p style="text-align: center;">(73)</p> <p style="text-align: center;">(74)</p> <p style="text-align: center;">(75)</p>
<p>(l) Miscellaneous plan provisions:</p> <p>(1) Does the plan prohibit the assignment or alienation of benefits except as provided by section 401(a)(13) and 414(p)?</p> <p>(2) Do loans to plan participants satisfy the requirements of section 4975(d)(1) and the joint and survivor requirements, if any?</p> <p>(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?</p> <p>(4) Are individuals considered employees for purposes of this plan according to section 414(n)?</p> <p>(5) Does the plan provide that service with a predecessor employer is counted as service with the employer?</p>	<p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">(76)</p> <p style="text-align: center;">(77)</p> <p style="text-align: center;">(78)</p> <p style="text-align: center;">(79)</p> <p style="text-align: center;">(80)</p>
<p>Part II Complete This Part if You Are Filing for a Standardized Plan</p>			
<p>18 With respect to this standardized plan:</p> <p>(a) Does the plan cover all employees (including individuals required to be considered employees according to section 414(n) and employees of other members of groups aggregated under sections 414(b), (c), or (m)) other than employees who may be excluded under sections 410(a)(1) or (b)(3)?</p> <p>(b) Are the eligibility requirements not more favorable for officers, owners, or highly compensated employees than for other employees?</p> <p>(c) Does the vesting schedule in the plan provide vesting at least as favorable for every year as would be required by the schedules set forth in section 416(b)(1)(A) or (B) if the plan were always top-heavy?</p> <p>(d) Are the contributions (anticipated benefits in the case of a target benefit plan) a uniform percentage (adjusting for integration) of total compensation?</p> <p>(e) 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?</p>	<p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">[Hatched]</p>	<p style="text-align: center;">[Hatched]</p> <p style="text-align: center;">(81)</p> <p style="text-align: center;">(81)</p> <p style="text-align: center;">(82)</p> <p style="text-align: center;">(83)</p> <p style="text-align: center;">(84)</p>

Part III Complete This Part if You Are Filing for a Paired Plan

19 With respect to this paired plan:

(a) If this plan is paired with another defined contribution plan, are the appropriate defined contribution minimums provided in the aggregate? (Specify Article or Section and Page Number of both paired defined contribution plans.)

(85)

(b) Is this plan paired with a defined benefit plan? Yes No

If "Yes," answer (c), (d), and (e)

(c) Does this plan or do these paired defined contribution plans, if applicable, provide contributions of at least 5% (7½% if the additional section 415(e) limit is used) for each participant who is also a participant in the paired defined benefit plan, and contributions of not less than 3% (4% if the additional section 415(e) limit is used) for any participant who is not a participant in the paired defined benefit plan? (Specify article or section and page number of all the paired plans.)

(86)

(d) Does the paired defined benefit plan provide the 2% minimum (3% if the additional section 415(e) limit is used) with respect to any participant who is not also a participant in this plan or the other paired defined contribution plan, if applicable, or who does not receive the entire defined contribution allocation? (Specify article or section and page number of all the paired plans.)

(86)

(e) If (c) or (d) is not applicable, does the paired defined benefit plan provide the 2% (3% if the additional section 415(e) limit is used) defined benefit minimum for all its participants and does this plan (or these paired defined contribution plans, if applicable) provide the minimum contributions for participants in the paired defined contribution plan(s) who are not participants in the paired defined benefit plan? (Specify article or section and page number of all the paired plans.)

(86)

(f) If more than one of the paired plans provides for integration with social security or railroad retirement, do the plans contain provisions to limit the extent of integration to comply at all times with Rev. Rul. 71-446 and section 401(l)? (Specify article or section and page number of the paired plan(s) and attach an exhibit demonstrating this compliance.)

(87)

Part IV Complete This Part if You Are Filing for a Nonstandardized Plan

20 With respect to this nonstandardized plan:

(a) Does the plan allow the employer to select total compensation as the compensation which will be used in determining benefits?

(88)

(b) If this is a target benefit plan that excludes employees who are otherwise eligible solely because they have attained a specified age when hired, is the maximum age not less than an age which is no more than 5 years before the plan's normal retirement age?

(89)

(c) 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?

(90)

(d) If participants may withdraw their contributions or the earnings on them, may the withdrawal be made without forfeiting vested benefits based on employer contributions?

(91)

(e) Do the vesting options contained in the plan satisfy the requirements of subparagraphs (A), (B), or (C) of section 411(a)(2)?

(92)

(f) 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?

(93)

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

(94)

20 (continued): (h) Does the plan always provide or contain an option in the adoption agreement which provides coverage for employees or other members of a group aggregated under sections 414(b), (c), or (m), and for individuals considered employees under section 414(n)?	N/A	Article or Section and Page Number	For IRS Use Only
			(95)

Part V All Filers Complete This Part	Yes	No
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21 Procedural requirements:		
(a) If power of attorney is needed, has one been submitted with this application (or was one previously submitted)?		
(b) If this is an initial request, have the following been submitted as required by instructions—		
(1) Adoption agreement (see specific instructions)?		
(2) Copy of plan?		
(3) Copy of trust indenture or custodial agreement?		
(4) If this is a uniform plan, a cover letter requesting approval and stating that the sponsor can reasonably expect at least 10 clients to adopt the plan?		
(5) If this is a mass submitter request, a list of at least 10 clients who will adopt the plan?		
(c) If this is a request involving an amendment, after initial qualification, have the following been included—		
(1) A copy of the amendment?		
(2) A description of the amendment and its effect on the plan?		
(3) A completely restated plan (see specific instructions)?		
(4) A working copy of the plan currently in effect (see specific instructions)?		
(5) Consent of participating employers to amend the plan (see specific instructions)?		
(d) If this is an amended or restated plan, 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 or prototype plan?		
(e) 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.)		

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 ►
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General Information

Paperwork Reduction Act Notice.—We ask for information to carry out the Internal Revenue laws of the United States. We need it to determine whether you meet the legal requirements for plan approval. If you want your plan approved by IRS, you are required to give us this information.

Purpose of Form

Form 4461 is used to apply for initial approval of, or for approval of, an amendment to:

- A master or prototype defined contribution plan.
- A uniform defined contribution plan.

General Instructions

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.

Inadequate Submissions.—We 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 plan will not be considered to be in substantial compliance if, for example, it omits any of the following TEFRA, TRA, and REA requirements, the omission of which will cause a plan to be regarded as not being in substantial compliance:

- Section 401(a)(9) of the Code, as amended by section 521 of TRA, relating to required distributions from qualified plans.
- Section 415 of the Code, as amended by section 235 of TEFRA and sections 15 and 528 of TRA, relating to contribution and benefit limits for qualified plans.
- Section 416 of the Code, as added by section 240 of TEFRA and amended by section 524 of TRA, containing special rules for top-heavy plans.
- Section 414(m) of the Code, including section 414(m)(5), as added by section 236 of TEFRA and amended by section 526 of TRA.
- Section 414(n) of the Code, as added by section 248 of TEFRA, and as amended.
- Section 401(c) and (d) of the Code, as amended by sections 237 and 238 of TEFRA, unless the plan precludes participation by self-employed individuals.
- Section 401(a)(11) of the Code, as amended by section 203 of REA, relating to minimum rules for survivor benefits.

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.

Who May File

Master or prototype plans.—Sponsoring Organizations and Mass Submitters (See DEFINITIONS).

Uniform Plan.—Sponsors (see DEFINITIONS)

What To File

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

For initial approval, file this application and each applicable document listed in item 21(b). For approval of an amendment, file this application and a copy of each applicable document listed in item 21(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 on a standardized plan, PARTS I, II, and V must be completed.

Paired Plans.—If you want to receive an opinion letter on a paired plan, Parts I, II, III, and V must be completed.

Nonstandardized Plans.—If you want to receive an opinion letter or notification letter on a plan other than a standardized or paired plan, PARTS I, IV, and V must be completed.

Uniform Plans.—If you want to receive a notification letter for a uniform plan, Parts I, IV and V must be completed. In addition, a uniform plan must provide top-heavy vesting at all times.

Multiple Plans.—A sponsor may utilize one basic plan document with respect to several plans. A sponsor may, for example, submit four applications with respect to a given defined benefit basic plan document (an integrated standardized plan, a non-integrated standardized plan, an integrated nonstandardized plan, and a nonintegrated nonstandardized plan). A sponsor may also use one basic plan document for a money purchase plan other than a target benefit plan, a target benefit plan, and a profit-sharing plan. A separate adoption agreement and completed application must be provided with respect to each such defined benefit and defined contribution 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 remains the same).

Paired plans must be submitted simultaneously. Paired plans are paired by the basic plan documents. Two defined contribution plans that are paired (a profit-sharing and a money purchase plan) must share one basic plan document. A sponsor 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.

Note: A defined benefit plan must be submitted on Form 4461-A for approval.

Where To File

Master or prototype plans.—File the application with the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: OP:E:EP:RQ:E.

Uniform plan.—File the application with the appropriate key district office.

Signature.—The application 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 (see above).

As an alternative to providing the above statement, **Form 2848**, Power of Attorney and Declaration of Representative, or **Form 2848-D**, Tax Information Authorization and Declaration of Representative, may be submitted.

Definitions

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.

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.

Uniform plan.—A "uniform plan" is a form of plan that is made available by a sponsoring organization for adoption by employers and includes plans that were previously defined as "pattern," "field prototype," and "basic" plans. A uniform plan consists of an "adoption agreement," and a "basic plan document." Uniform plans may include self-employed individuals.

Standardized plan.—A master or prototype plan which meets the specific requirements of Part II of this form.

Paired plans.—A combination of either two defined contribution standardized plans or one or two defined contribution standardized plans and one defined benefit standardized plan, so designed that if any

single plan or combination of plans is adopted by an employer, each plan by 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 provisions 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. A sponsoring organization can maintain only one set (only one defined contribution plan basic plan document and only one defined benefit basic plan document) of paired plans.

Basic plan document.—The portion 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. A defined benefit basic plan document may contain multiple provisions (e.g., integrated, nonintegrated; unit, fixed, flat benefits; offset, excess, etc.) from which the adopting employer may select in the adoption agreement.

Adoption agreement.—The portion of the plan containing all the options that may be selected by the adopting employer. A defined benefit plan adoption agreement may allow the employer to choose between the types of integration (e.g., excess or offset) and among the various benefit formulas (e.g., unit, fixed, flat), but integrated and nonintegrated options must be in separate adoption agreements. Each separate adoption agreement is treated as a separate plan and will receive its own opinion or notification letter.

Sponsoring organization.—A trade or professional organization having characteristics similar to those described in section 1.501(c)(6)-1 of the Income Tax Regulations, a bank (including savings and loan associations and federally insured credit unions that qualify as banks), an insurance company, a regulated investment company (as defined in section 851), an 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.

Sponsor.—A firm that has at least 10 clients who have their principal places of business within the jurisdiction of an IRS region and who are expected to adopt and request a determination letter with respect to one uniform plan of that firm.

Mass submitter.—Any entity (whether or not such entity is a sponsoring organization) requesting an opinion letter on a master or prototype plan which will be adopted by at least 10 sponsoring organizations.

TEFRA.—The Tax Equity and Fiscal Responsibility Act of 1982, P.L. 97-248.

TRA.—The Tax Reform Act of 1984, P.L. 98-369.

REA.—The Retirement Equity Act of 1984, P.L. 98-397.

Specific Instructions

Line 1.—*Master and prototype plans.* Indicate if this application is for an initial approval by checking the appropriate box. An amendment which completely restates a master or prototype plan to comply with TEFRA is considered an initial application. DO NOT make any entries in boxes (1), (2), or (3) for any initial application.

Indicate if this application is for an amendment (other than an amendment which completely restates a master or prototype plan for TEFRA) to an already approved plan by checking the appropriate box. If the plan being amended has already been approved for TEFRA, enter the information requested relative to the approved plan in boxes (1), (2), and (3).

Box (4) should be used to enter the effective date(s) of the amendment.

Line 3a.—If the person to be contacted is other than an employee of the applicant, please enclose an authorized power of attorney. See General Instructions on disclosure.

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

Line 5b.—*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 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."

Line 5c.—(for master or 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 14.—*Paired plans.* If the application is for a paired plan (see "Definitions" above), attach a list showing the name(s), file folder number(s) (if assigned), and three-digit adoption agreement number(s) of the plan or plans designed to be paired with this plan. Initial requests for approval of paired plans must be submitted together. A sponsoring organization can maintain only

one set (only one defined contribution plan basic plan document and only one defined benefit basic plan document) of paired plans.

Line 15.—*Mass submitters.* A mass submitter (see "Definitions" above) must attach a list of at least 10 sponsoring organizations which will adopt this plan. The opinion letter issued will apply only to the mass submitter, and the plan may be made available by the mass submitter to employers only if the mass submitter is also a qualified sponsoring organization. All other sponsoring organizations must obtain their own opinion letters.

Line 16.—*Replacement of Plans.* Prior to TEFRA, sponsoring organizations frequently maintained a large number of different master or prototype plans (HR-10, corporate, pension, profit-sharing, etc.). TEFRA changed the law relating to both plans that cover self-employed individuals and plans that do not. Because the previous distinctions between HR-10 and corporate master or prototype plans have disappeared, the same master or prototype plan can now be used for corporate and noncorporate employers. Thus, a single TEFRA plan may be used to replace several plans. The sponsor must attach a list of plan names and file folder numbers of all master or prototype plans that the new plan replaces.

Line 21.—*Procedural requirements.* A separate application must be submitted for each different plan/adoption agreement combination. Integrated and nonintegrated options may not be combined in the same adoption agreement.

If the plan has been amended at least four times since the last restated plan was submitted, one of the documents specified under item 21(c)(3) or (4) must be attached to this application.

If a restated plan is being submitted with this application, a copy of the amendment and a description of such amendment need not be submitted.

If a written consent of participating employers is required to amend, attach copies of the signed consent of each participating employer.

Line 21(e).—If you checked "Yes," you may attach an exhibit that gives the name of the plan and the plan's file folder number. If the plan has been approved, also give the IRS opinion letter serial number or notification letter number and the date the plan was approved. If you show the language differences between the two plans and agreements, this information may expedite the review of your plan.

Note: Line 21(e) does not apply to pre-TEFRA approvals. Do not cite pre-TEFRA approved plans which are similar to this plan.