

Attention!

This form is provided for informational purposes and should not be reproduced on personal computer printers by individual taxpayers for filing. The printed version of this form is a "machine readable" form. As such, it must be printed using special paper, special inks, and within precise specifications.

Additional information about the printing of these specialized tax forms can be found in: Publication 1167, *Substitute Printed, Computer-Prepared, and Computer-Generated Tax Forms and Schedules*; and, Publication 1179, *Specifications for Paper Document Reporting and Paper Substitutes for Forms 1096, 1098, 1099 Series, 5498, and W-2G*.

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 Plan,
or Regional Prototype Plan**
Mass Submitter Adopting Sponsor

This Form Is Open to Public Inspection

File This Form With the Internal Revenue Service

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

For IRS Use Only

File folder
number

The first page of the application is computer scannable. For the application to be processed, all entries on page one must be typed. No reproductions or substitutes of 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.

1 Enter amount of user fee submitted

\$ _____

2a Name of sponsoring organization

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

City _____ State _____ ZIP code _____

3a Name of person to be contacted

3c If a power of attorney is attached enter the number "1" in the brackets ►

4 Type of sponsoring organization

- (1) Bank
- (2) Trade or professional association
- (3) Insurance company
- (4) Nonbank trustee (attach copy of authorization letter)
- (5) Regulated investment company, investment advisor or principal underwriter
- (6) Other (specify)

5a Basic plan document number

b Adoption agreement number

6 This plan is:

- (1) Word-for-word identical
- (2) A minor modification (attach list of delineated changes and explanation)

7 Name of mass submitter

8 Enter the following information for the mass submitter's plan on which this plan is based (if this application is submitted simultaneously with the mass submitter's application, see instructions).

File folder number _____

Letter serial number _____

Date of letter _____ / _____ / _____

9 Type of plan:

- (1) Money purchase
- (2) Target benefit
- (5) Profit-sharing/401(k)
- (3) Profit-sharing
- (4) Defined benefit

10 Filing status of plan (see General Instructions)

- (1) Standardized plan, not paired
- (2) Standardized, paired plan (identify plan(s) paired with this plan by plan name and number on an attached sheet)
- (3) Nonstandardized plan
- (4) Nonstandardized safe harbor plan

11a 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:

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

Signature Required on Following Page

[Redacted]

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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.

1 Enter amount of user fee submitted
\$ < _____ >

2a Name of sponsoring organization < _____ >
Address (number, street, room or suite no.) (If a P.O. box, see the instructions)
< _____ >
City _____ State _____ ZIP code _____
< _____ > < _____ > < _____ >

2b Employer identification number of sponsoring organization
< _____ >

2c Sponsoring organization's telephone no.
< (____) _____ >

3a Name of person to be contacted
< _____ >

3b Telephone number
< (____) _____ >

3c If a power of attorney is attached enter the number "1" in the brackets < _____ >

4 Type of sponsoring organization < _____ >
(1) Bank (2) Trade or professional association
(3) Insurance company (4) Nonbank trustee (attach copy of authorization letter)
(5) Regulated investment company, investment advisor or principal underwriter (6) Other (specify)

5a Basic plan document number < _____ >

b Adoption agreement number < _____ >

6 This plan is: < _____ >
(1) Word-for-word identical (2) A minor modification (attach list of delineated changes and explanation)

7 Name of mass submitter
< _____ >

8 Enter the following information for the mass submitter's plan on which this plan is based (if this application is submitted simultaneously with the mass submitter's application, see instructions).
File folder number < _____ >
Letter serial number < _____ >
Date of letter < _____ / _____ / _____ >

9 Type of plan: < _____ >
(1) Money purchase (2) Target benefit (5) Profit-sharing/401(k)
(3) Profit-sharing (4) Defined benefit

10 Filing status of plan (see General Instructions) < _____ >
(1) Standardized plan, not paired
(2) Standardized, paired plan (identify plan(s) paired with this plan by plan name and number on an attached sheet)
(3) Nonstandardized plan
(4) Nonstandardized safe harbor plan

11a 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:
< _____ > < _____ > < _____ >

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

Under penalties of perjury, I declare that the sponsoring organization has adopted a master or prototype plan that is word-for-word identical to, or a minor modification of, the mass submitter plan indicated in item 8 above, or, in the case of a regional prototype plan, that the sponsor has adopted a regional prototype plan that is word-for-word identical to the mass submitter plan indicated in item 8 above.

(Sponsoring Organization)
Signature ▶

Title ▶

Date ▶

(Mass Submitter)
Signature ▶

Title ▶

Date ▶

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 individual circumstances. The estimated average time is:

Recordkeeping 7 hr., 25 min.

Learning about the law or the form 1 hr., 16 min.

Preparing the form 2 hr., 22 min.

Copying, assembling, and sending the form to the IRS 16 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-B to apply for approval of a plan submitted by a mass submitter on behalf of an adopting sponsoring organization or sponsor, which is based on a plan submitted by the mass submitter. The term "sponsoring organization," used on Form 4461-B, also includes the term "sponsor." See **Definitions** below.

Completing Form 4461-B

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 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 your application is not complete, we will return it without processing it.

User fee.—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 Form 4461-B is filed with the National Office. Applications submitted without the proper user fee will not be processed and will be returned to the applicant. When Form 4461-B is filed with a key district office, attach **Form 8717**, User Fee for Employee Plan Determination Letter Requests, and the appropriate user fee.

Do not submit a copy of the plan if you are submitting the application to the National Office on behalf of a sponsoring organization who adopted a master or prototype mass submitter plan.

If you are submitting the application to a key district office on behalf of a sponsor who adopted a regional prototype mass submitter plan, submit the following:

1. Form 4461-B;

2. Form 8717;

3. A declaration by the mass submitter that the sponsor has adopted a particular word-for-word identical regional prototype plan of the mass submitter. The declaration must identify the plan by letter serial number and the date of the notification letter;

4. A copy of the plan and the trust or custodial account documents; and

5. A written agreement signed by the sponsor relating to the registration requirements specified in section 14.05 of Rev. Proc. 89-13, 1989-1 C.B. 801.

Rev. Proc. 89-13 has been modified by the following:

Rev. Proc. 90-17, 1990-1 C.B. 497,

Rev. Proc. 90-20, 1990-1 C.B. 495,

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. 18.

Who May File

Only mass submitters may file this form.

Where To File

If you are filing on behalf of a sponsoring organization, submit the application to: Internal Revenue Service, Assistant Commissioner (Employee Plans and Exempt Organizations), Attn: E:EP:Q, P.O. Box 14073, Ben Franklin Station, Washington, DC 20044.

If you are filing on behalf of a sponsor, submit the application to the appropriate key district office serving your geographic area. See Form 8717, for a list of key district offices.

Signature.—The application must be signed by the mass submitter and sponsoring organization. If a power of attorney authorizes the mass submitter to sign the form on behalf of the sponsoring organization, attach the power of attorney to Form 4461-B.

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(s) 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 **Signature** above).

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

Definitions

Master or prototype mass submitter.

Any entity (whether or not such entity is a sponsoring organization) 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 one of the 10 sponsoring organizations.

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 money purchase 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 Service in accordance with Regulation 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.

Regional Prototype Plan Mass

Submitter.—Any person, whether or not such person is a sponsor, 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.

Sponsor.—A firm, other than a sponsoring organization, that (1) has an established place of business in the United States where the records of the firm are accessible during each 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.

Specific Instructions**Master or Prototype Plans**

Line 2a.—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 3a.—The person to contact must be an employee or an authorized representative of the mass submitter. If the person is other than an employee of

the mass submitter, please enclose an authorized power of attorney. See **Disclosure requested by taxpayer** on page 2.

Line 5a.—Enter the two-digit basic plan document number you have assigned to the basic plan document that accompanies the adoption agreement for which you are requesting approval. All basic plan documents from one sponsoring organization that is 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 5b.—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." 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 6.—If this plan is a minor modification, attach a copy of the mass submitter plan with the minor modifications underlined in red, or otherwise highlighted, as well as a statement indicating the location and effect of each change.

Line 8.—If this application is based on an application submitted by a mass submitter and simultaneously filed with the mass submitter's application, enter in the brackets designated for the file folder number the plan document number and the plan number of the mass submitter's plan on which this plan is based. Do not complete the rest of line 8.

Line 11.—Replacement plans.—If this application is for a replacement plan, 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 and list the file folder numbers for these plans.

Regional Prototype Plans

Complete lines 1, 2(a), 2(b), 2(c), 3(a), 3(b), 3(c), 4, 5(b), 6, 7, 9 and 10.

The term "sponsoring organization" should be interpreted to mean "sponsor" as defined in Rev. Proc. 89-13.

Line 3(a).—See instructions above.

Line 5(b).—Enter the three-digit plan number.

Line 6.—The plan must always be word-for-word identical.