

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 Internal Revenue Service

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

For IRS Use Only

File folder
number

Complete every item on this page. All entries on this form must be typed. No reproductions or substitutes of this form may be submitted.

See Specific Instructions before completing this form. To indicate the correct answer to a multiple choice question enter within the brackets (< >) the number shown in parenthesis () which corresponds to the correct answer.

1 Enter amount of user fee submitted
\$ _____

2a Name of sponsoring organization

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

City _____ State _____ ZIP code _____

3a Name of person to be contacted

2b Employer identification number
of sponsoring organization

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

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

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

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\$ < _____ >

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< _____ >

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

< _____ >

City _____ State _____ ZIP code _____

< _____ > < _____ > < _____ >

3a Name of person to be contacted

< _____ >

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- (1) Bank
- (2) Trade or professional association
- (3) Insurance company
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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
- (3) Profit-sharing
- (4) Defined benefit
- (5) Profit-sharing/401(k)

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

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 ▶

General Information

Paperwork Reduction Act Notice.—We ask for this 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.

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

Recordkeeping 5 hr., 30 min.

Learning about the law or the form 1 hr., 10 min.

Preparing the form 2 hr., 14 min.

Copying, assembling, and sending the form to 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**, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; 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.

Purpose of Form

Form 4461-B is used 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" as defined below.

General Instructions

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.

Who May File

Only mass submitters may file this form.

What To File

One copy of Form 4461-B, with the appropriate user fee, should be submitted for each adoption agreement. See Rev. Proc. 89-4, 1989-1 C.B. 767 and Rev. Proc. 89-13, 1989-1 C.B. 801

as modified by Rev. Proc. 90-21 1990-1 C.B. 499. 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. One copy of Form 4461-B;
2. 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;
3. A copy of the plan and the trust or custodial account documents; and
4. A written agreement signed by the sponsor relating to the registration requirements specified in section 14.05 of Rev. Proc. 89-13.

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:O, 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 address shown in section 6.05(5) of Rev. Proc. 89-4.

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, the power of attorney must 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(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 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) which submits applications for at least 10 sponsoring organizations that will sponsor a word-for-word identical master or prototype plan. A mass submitter which is a sponsoring organization may count as one of the 10 sponsoring organizations.

Replacement plan.—A plan submitted by a sponsoring organization which restates or amends a prior plan of that 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 which 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 of the Code), 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 section 1.401-12(n) of the Income Tax Regulations 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) of the Code 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, which can establish that, if it receives a favorable notification letter with respect to 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, which (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 with respect to 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 P.O. box number instead of the street address.

Line 3a.—The person to be contacted 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 General Instructions on Disclosure.

Line 5a.—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 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." 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-B 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 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 submitted simultaneously with the mass submitter's application, in the brackets designated for the file folder number enter the basic plan document number and plan number of the mass submitter's plan on which this plan is based in the following format:

Basic plan document number–plan number.

Leave the letter serial number and date of letter brackets blank.

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.