

# Application for Approval of Master or Prototype or Volume Submitter Plans

**Mass Submitter Adopting Sponsor or Practitioner**

**This Form Is Open to Public Inspection**

**File This Form With the Internal Revenue Service**

**For IRS Use Only**

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

**Complete every applicable item on this form.**

<b>1</b>	Enter amount of user fee submitted \$ _____		
<b>2a</b>	Name of applicant  Address (number, street, room or suite no.) (If a P.O. box, see the instructions.)  City _____ State _____ ZIP code _____		<b>2b</b> Employer identification number of applicant  <b>2c</b> Applicant's telephone no.
<b>3a</b>	Name of person to be contacted		<b>3b</b> Telephone number
<b>3c</b>	If a power of attorney is attached, check the box <input type="checkbox"/>		
<b>4a</b>	Basic plan document number	<b>b</b>	Adoption agreement number
<b>5</b>	This plan is: <input type="checkbox"/> Word-for-word identical to an M&P plan or volume submitter plan <input type="checkbox"/> A minor modification to an M&P plan only (see instructions to line 5 for specific requirements)		
<b>6</b>	Name of mass submitter		
<b>7</b>	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 _____		
<b>8</b>	Type of plan: <input type="checkbox"/> Money purchase <input type="checkbox"/> Target benefit <input type="checkbox"/> Profit-sharing/401(k) <input type="checkbox"/> Profit-sharing <input type="checkbox"/> Defined benefit (with permitted disparity) <input type="checkbox"/> Defined benefit (without permitted disparity)		
<b>9</b>	Filing status of plan (see General Instructions) <input type="checkbox"/> Standardized plan <input type="checkbox"/> Nonstandardized plan <input type="checkbox"/> Volume submitter governmental plan (i.e., described in section 414(d)) <input type="checkbox"/> Volume submitter nongovernmental plan		

For Master or Prototype: Under penalties of perjury, I declare that the sponsor 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 items 6 and 7 above.

For Volume Submitter: Under penalties of perjury, I declare that the practitioner has adopted a volume submitter plan that is word-for-word identical to the mass submitter plan indicated in items 6 and 7 above.

(Sponsor or Practitioner)  
Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

(Mass Submitter)  
Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

## 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 sponsor or practitioner, which is based on a plan submitted by the mass submitter.

### Completing Form 4461-B

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. The application must be typed.

**User fee.** All applications must be accompanied by the appropriate user fee from the schedule set forth in Rev. Proc. 2012-8, 2012-1 I.R.B. 235, (or the most recent version, updated annually); and Form 8717, User Fee for Employee Plan Determination Letter Request. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

Do not submit a copy of the plan, except as provided under the instructions to line 5 later.

### Who May File

Only mass submitters may file this form.

### Where To File

Send applications for opinion and advisory letters to:

Internal Revenue Service  
P.O. Box 2508, Room 5106  
Cincinnati, OH 45201

Add "Attn: Pre-approved Plans Coordinator."

Applications shipped by Express Mail or delivery service should be sent to the attention of the Pre-approved Plans Coordinator to:

Internal Revenue Service  
550 Main Street, Room 5106  
P.O. Box 2508  
Cincinnati, OH 45202

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

**Disclosure requested by taxpayer.** A taxpayer may request the IRS 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

**Mass submitter.** As set forth in Rev. Proc. 2011-49, 2011-44 I.R.B. 608, any entity that submits applications on behalf of at least 30 unaffiliated sponsors or practitioners each of which is sponsoring, on a word-for-word identical basis, the same basic plan document and one or more of the adoption agreements associated with that basic plan document or in the case of VS plans, one or more of the same lead specimen plans. For a mass submitter of a Master or Prototype (M&P) plan, once the mass submitter has submitted applications on behalf of 30 unaffiliated sponsors for any basic plan document, it will be treated as a mass submitter for all the other basic plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of identical adopters of such other plans. A mass submitter of a Volume Submitter (VS) plan will be treated as such for each specimen plan for which the 30 unaffiliated practitioner requirement is separately met.

Notwithstanding the above, for an M&P plan, any entity that received a favorable Tax Reform Act of 1986 opinion letter for a plan as an M&P mass submitter under Rev. Proc. 89-9, 1989-1 C.B. 780, will continue to be treated as a mass submitter if it submits applications on behalf of at least 10 sponsors (regardless of affiliation) each of which is sponsoring, on a word-for-word identical basis, the same basic plan document and one or more of the adoption agreements associated with that basic plan document. Once the mass submitter has submitted applications on behalf of 10 sponsors for any basic plan document, it will be treated as a mass submitter for all the other basic

plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of identical adopters of such other plans.

Affiliation is determined under sections 414(b) and (c). Additionally, the following will be considered to be affiliated: any law, accounting, consulting firm, etc. with its partners, members, associates, etc.

For purposes of determining whether 30 (or 10, if applicable) unaffiliated sponsors or practitioners sponsor on a word-for-word identical basis the same basic plan document or the same specimen plan, the mass submitter is treated as an unaffiliated sponsor or practitioner.

**Sponsor.** Any person that has an established place of business in the United States where it is accessible during every business day and represents to the IRS that it has at least 30 employer-clients each of which is reasonably expected to adopt the sponsor's basic plan document and one or more of the adoption agreements associated with that basic plan document. Once a person represents to the IRS that at least 30 employers are reasonably expected to adopt its basic plan document, it will be treated as a sponsor for all the basic plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of employers that are expected to adopt such other plans.

Notwithstanding the above, any person that has an established place of business in the United States where it is accessible during every business day and is a word-for-word identical adopter or minor modifier adopter of an M&P plan of a mass submitter will be treated as a sponsor for such plan, regardless of the number of employers that are expected to adopt such plan.

**Practitioner.** Any person that has an established place of business in the United States where it is accessible during every business day and represents to the IRS that it has at least 30 employer-clients each of which is reasonably expected to adopt a plan that is substantially similar to the VS practitioner's specimen plan.

The required number of employer-clients is reduced to 10 for a money purchase pension specimen plan in the case of a VS practitioner that has specimen plans for two or more separate categories of plans (profit sharing, money purchase, target benefit, defined benefit), one of which is a money purchase plan, and the 30 employer-clients requirement has been satisfied for the other specimen plan.

A VS practitioner may submit any number of specimen plans for advisory letters provided that the 30 employer-clients requirement (or 10, if applicable) is separately satisfied for each specimen plan. For this purpose, where an adoption format is used, each adoption agreement is treated as one specimen plan. Notwithstanding the above, any person that has an established place of business in the United States where it is accessible during every business day may sponsor a specimen plan as a word-for-word identical adopter of a specimen plan of a VS mass submitter, regardless of the number of employers that are expected to adopt the plan.

## Specific Instructions

**Line 2a.** Enter the name and address of the applicant. If the Post Office does not deliver mail to the street address and the applicant 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 to be contacted is other than an employee of the applicant, please enclose an authorized power of attorney. See *Disclosure requested by taxpayer* earlier.

**Line 4a.** Enter the two-digit basic plan document number you have assigned to the specimen plan or basic plan document that accompanies (if applicable) the adoption agreement for which you are requesting approval. All basic or specimen plan documents from one sponsor or practitioner 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 as "01," the second as "02," etc. The first specimen plan document submitted should be numbered as "01," the second as "02," etc.

**Line 4b.** Enter the three-digit number you have assigned to the adoption agreement, if applicable, for which this application is submitted. In the case of an M&P submission, 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 sponsor has four separate adoption agreements, they should be numbered "001" through "004" and the sponsor should submit four separate Forms 4461. 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 5.** In the case of an M&P sponsor adopting a word-for-word identical plan (including a flexible plan) to a plan of the M&P mass submitter, or a VS practitioner adopting a word-for-word identical plan of a VS mass submitter, a copy of the plan does not have to be submitted. For the sponsor of an M&P plan of a mass submitter, if the plan is a minor modification, the M&P mass submitter should submit Form 4461-B, typed as a "placeholder." When the lead plan receives its email of preliminary approval, submit 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 7.** If this application is based on an application submitted by a mass submitter and simultaneously filed with the mass submitter's application or filed before the information under line 7 is available, enter in the brackets designated for the file folder number the basic plan document number and the adoption agreement number (if applicable) of the mass submitter's plan on which this plan is based. Do not complete the rest of line 7.

**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.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their content may become material in the administration of any Internal Revenue law. Generally, tax return and return information are confidential, as required by Code section 6103.

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

**Recordkeeping** . . . . . 5 hr., 58 min.

**Learning about the law or the form** . . . . . 52 min.

**Preparing the form** . . . . . 1 hr., 56 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 simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:M:T:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send this form to this office. Instead, see *Where To File* earlier.