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**From:** Tom Kolb [mailto:tkolb@erisaboston.com]

**Sent:** Tuesday, January 23, 2007 10:30 AM

**To:** EBSA, E-ORI - EBSA

**Subject:** QDIA Regulation

Has EBSA published a model notice yet under the Proposed Regs sec. 25550.404c-5, whereby Plan Sponsors can notify plan participants that they are taking advantage of the protections of 404(c)(5) as enacted by PPA?

For purposes of the 30-day notice, how is EBSA interpreting the term "first investment" in the QDIA where the plan intends to simply continue as its default fund a fund that was already selected in prior years and which the sponsor believes will now satisfy the definition of a QDIA under the newly enacted 404(c)(5) provision and the regs thereunder?

Thank you.

e-mail from .....

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