

Part IV. -- Items of General Interest

Extension of Cut-Off Date for Use of Prior Revision of Determination Letter Application Forms

Announcement 2001-122

The Service is extending the cut-off date for use of the prior revision of certain forms used to apply for determination letters on the tax-qualified status of employee benefit plans. This extension will allow determination letter applicants to use the prior revision of the forms in accordance with the transition rules described in section I.G. of Announcement 2001-77, 2001-30 I.R.B. 83, through March 31, 2002.

Announcement 2001-77 described changes that the Service has made to simplify its application procedures for determination letters on the qualification of pension, profit-sharing, stock bonus and annuity plans under §§ 401(a) and 403(a) of the Internal Revenue Code. Announcement 2001-77 noted that the Service was revising the determination letter application forms. Section I.G. of Announcement 2001-77 required determination letter applications filed after December 31, 2001, to be submitted on the revised application forms. For determination letter applications filed on or before December 31, 2001, section I.G. provided transition rules that allowed the prior revision of the application forms to be used.

Announcement 2001-109, 2001-45 I.R.B. 485, announced the availability of several of the revised application forms. Rev. Proc. 2001-55, 2001-49 I.R.B. 551, extended the remedial amendment period for amending plans for GUST¹ until February 28, 2002.

The availability of the transition rules in section I.G. of Announcement 2001-77 is extended through March 31, 2002. Thus, the Service will accept applications that are filed on the July, 1998 revision of the following forms in accordance with the procedures in section I.G. through March 31, 2002: Form 5300, Schedule Q (Form 5300), Form 5307, and Form 6406. Of course, applicants may instead use the 2001 revision of these forms. In addition, Form 5303 (Rev. 7/98), which is being discontinued, and the September, 1999 revision of Form 5309 may be used through March 31, 2002. Applications for determination letters on plan termination should be filed on the June, 1997 revision of Form 5310 and, if applicable, Form 6088 (Rev. 6/97) until further notice. Also, notices of plan merger, etc., and qualified separate lines of business, should be filed on the June, 1997 revision of Form 5310-A until further notice.

¹ "GUST" refers to the following:

- the Uruguay Round Agreements Act, Pub. L. 103-465;
- the Uniformed Services Employment and Reemployment Rights Act of 1994, Pub. L. 103-353;
- the Small Business Job Protection Act of 1996, Pub. L. 104-188;
- the Taxpayer Relief Act of 1997, Pub. L. 105-34;
- the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206; and
- the Community Renewal Tax Relief Act of 2000, Pub. L. 106-554.

Drafting Information

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