§ 301.6104(a)–3  Public inspection of Internal Revenue Service letters and documents relating to pension and other plans.

(a) In general. Except as provided in §301.6104(a)–4 with respect to plans having fewer than 26 participants, a letter or other document issued by the Internal Revenue Service after September 2, 1974, is open to public inspection under section 6104(a)(1)(B)(iv) and this section, if it is issued with respect to—

(1) The qualification of a pension, profit-sharing or stock bonus plan under section 401(a), an annuity plan under section 403(a), a bond purchase plan under section 405(a), or an individual retirement account or annuity described in section 408 (a), (b) or (c),

(2) The exemption from tax under section 501(a) of an organization forming part of such a plan or account, or a custodial account described in section 401(f), or

(3) The approval of a master, prototype, pattern or other such plan or account.

(b) Scope. Internal Revenue Service letters and documents open to public inspection under section 6104(a)(1)(B)(iv) and this section are not limited to those issued in response to an application for a determination letter described in §301.6104(a)–2. They are, however, limited to those issued by the Internal Revenue Service to the person or organization which either did or could file an application for a determination letter for the plan, account or annuity to which the letter or document relates. If such a person or organization designates a representative having a power of attorney, however, then the letter or document will be open to inspection if issued to the representative. For rules relating to when a letter or document is issued, see §301.6110–2(b).

§ 301.6104(a)–5  Applicant. For purposes of this section, §301.6104(a)–3 (relating to Internal Revenue Service letters and documents open to public inspection) and §301.6104(a)–5 (relating to the withholding of certain information from public inspection), an “applicant” includes, but is not limited to, an employer, plan administrator (as defined in section 414(g)), labor union, bank, or insurance company that files an application for a determination letter.
§ 301.6104(a)–4 Requirement for 26 or more plan participants.

(a) Inspection by plan participants. In the case of a plan, annuity or account determined by the Internal Revenue Service to be qualified, any plan participant who has 26 or more plan participants may request in writing a copy of the letter or document issued by the Internal Revenue Service to the employer. In the absence of any written request for a copy of a letter or document, the Internal Revenue Service does not have a duty to send a copy to the plan participant. The request must be made within 5 years after the issuance of the letter or document issued by the Internal Revenue Service to the employer.

§ 301.6104(a)–5 Requirements for 26 or more plan participants.

(a) Inspection by plan participants. In the case of a plan, annuity or account determined to be qualified, any plan participant who has 26 or more plan participants may request a copy of the letter or document issued by the Internal Revenue Service to the employer. The request must be made within 5 years after the issuance of the letter or document issued by the Internal Revenue Service to the employer.