



TaxNewsFlash

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IRS expanding determination letter program to include certain section 403(b) plans

The IRS today announced that—beginning June 1, 2023—the IRS is expanding the determination letter program to include certain section 403(b) plans.

The [IRS transmittal message](#) (May 24, 2023) explains that plan sponsors that maintain an individually designed section 403(b) plan will be permitted to submit a determination letter application for an initial plan determination based on the employer identification number (EIN) of the plan sponsor.

- If the EIN ends in 1, 2 or 3—submit beginning June 1, 2023.
- If the EIN ends in 4, 5, 6 or 7—submit beginning June 1, 2024.
- If the EIN ends in 8, 9 or 0—submit beginning June 1, 2025.

Plan sponsors may also apply for terminating 403(b) plans beginning June 1, 2023.

Form 5300, *Application for Determination for Employee Benefit Plan*, and Form 5310, *Application for Determination Upon Termination*, will be updated to reflect the addition of section 403(b) plans.

The user fees for section 403(b) determination letter applications are:

- Form 5300 with 100 or more participants: \$2,700
- Form 5300 with less than 100 participants: \$300
- Form 5310: \$3,500

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