

Law and Policy Group

GRIST

IRS updates determination and opinion letter procedures for 2026

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Jan. 8, 2026

IRS's [annual update](#) to procedures for requesting determination letters, opinion letters and private letter rulings contains few substantive changes. Besides making routine revisions for dates, cross-references and citations to other revenue procedures, Rev. Proc. 2026-4 includes an update regarding refunds of user fees, clarification of the electronic filing requirement for all Form 5300 series determination letter requests and increases in certain user fees.

Refunds

IRS will not refund user fees for letter rulings if it later discovers a material omission of facts in the filing that, if known at the time of the original submission, would have resulted in the agency declining to rule on all the issues in the request. In ordinary circumstances, IRS will generally issue a refund only when declining to rule on all issues in the request.

Electronic filing

The Rev. Proc. notes in its list of changes to Rev. Proc. 2025-4 that electronic filing is required for all submissions of Form 5300 series determination letter requests. The series includes:

- [Form 5300](#), *Application for Determination of Employee Benefit Plan*
- [Form 5307](#), *Application for Determination for Adopters of Modified Nonstandardized Pre-Approved Plans*
- [Form 5309](#), *Application for Determination of Employee Stock Ownership Plan* (filed with the Form 5300)
- [Form 5310](#), *Application for Determination for Terminating Plan*
- [Form 5316](#), *Application for Group or Pooled Trust Ruling*

This is an organizational change, not a substantive one. IRS has required electronic filing for all these applications for several years. Prior Rev. Procs. stated the electronic filing requirement separately for each form, but Rev. Proc. 2026-4 makes one blanket statement for the 5300 series.

User fees

User fees increasing in 2026 include the following:

- [Form 5308](#), *Request for Change in Plan/Trust Year*: \$2,500 from \$1,000
- Letter ruling not specifically noted in Rev. Proc. 2026-4: \$18,500 from \$12,500
- Individual [Voluntary Correction Program](#) (VCP) application for plans with assets of:
 - \$500,000 or less: \$2,000 from \$1,500
 - More than \$500,000 to \$10,000,000: \$3,500 from \$3,000
 - More than \$10,000,000: \$4,000 from \$3,500
- Group VCP application (for first 20 plans): \$13,500 from \$10,000
- Form 5300
 - Qualified plans or 403(b) plans with 100 or more participants: \$4,000 from \$2,700
 - 403(b) plans with fewer than 100 participants: \$500 from \$300
- Form 5307: \$2,000 from \$1,200
- Form 5310: \$4,500 from \$3,500
- Opinion letter under [Rev. Proc. 2023-37](#) for a preapproved qualified or 403(b) plan
 - Mass submitter and non-mass submitter plans with an adoption agreement: \$22,000 per basic plan document with one adoption agreement and \$16,500 for each additional adoption agreement (from \$20,000 and \$15,000, respectively)
 - Mass submitter and non-mass submitter single document plan with no adoption agreement: \$35,200 from \$32,000
 - Provider's minor modification of a mass submitter's preapproved plan document with or without an adoption agreement: \$1,100 from \$1,000

Related resource

Non-Mercer resource

- [Rev. Proc. 2026-4](#) (IRS, Dec. 29, 2025)

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