

**PENN NATIONAL GAMING, INC. DEFERRED COMPENSATION PLAN  
TOP-HAT PLAN EXEMPTION STATEMENT**

**2520052092170**

1. Employer Name and Address: Penn National Gaming, Inc.  
825 Berkshire Boulevard  
Wyomissing, PA 19610
2. IRS Employer Identification Number: 23-2234473
3. The employer maintains the top-hat plan primarily for the purpose of providing deferred compensation for a "select group of management or highly compensated employees" as such term is used in Section 201(2) of ERISA.
4. This plan is the only top-hat plan maintained by the employer.
5. 17 employees currently participate in the top-hat plan.

**MCNEES, WALLACE & NURICK**  
ATTORNEYS AT LAW

100 PINE STREET  
P. O. BOX 1166  
HARRISBURG, PA 17108-1166  
TELEPHONE (717) 232-8000  
FAX (717) 237-5300  
<http://www.mwn.com>

U.S. DEPT. OF LABOR  
PENSION/PUBLIC DISCLOSURE  
01 MAY 14 AM 11:19

STEPHEN R. KERN  
DIRECT DIAL: (717) 237-5350  
E-MAIL ADDRESS: SKERN@MWN.COM

May 9, 2001

Top Hat Plan Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Avenue N.W.  
Washington, D.C. 20210

Re: Penn National Gaming, Inc. Deferred Compensation Plan

Dear Sir or Madam:

Enclosed is the statement required under Department of Labor Reg. Section 2520.104-23 to satisfy the otherwise applicable reporting and disclosure obligations under Part 1 of Title I of ERISA.

Please acknowledge receipt of this alternative method of compliance by time-stamping and returning the enclosed copy of this letter and the statement in the envelope provided. If you have any questions regarding the contents of this statement, please contact the undersigned.

Sincerely yours,

McNEES, WALLACE & NURICK

By

Stephen R. Kern

SRK/ama  
Enclosures  
cc: Mr. George A. Connolly (w/ enclosure)

165 LAW OFFICES  
MCNEES, WALLACE & NURICK  
100 PINE STREET  
P. O. BOX 1166  
HARRISBURG, PA. 17108



TOP HAT PLAN EXEMPTION  
PENSION AND WELFARE BENEFITS  
ADMINISTRATION  
ROOM N-5644  
U S DEPARTMENT OF LABOR  
200 CONSTITUTION AVENUE NW  
WASHINGTON DC 20210

20210+0001