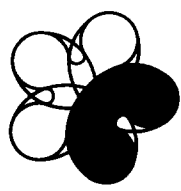


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# National Kidney Foundation™

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September 26, 2005

Top Hat Plan Exemption  
 Pension and Welfare Benefits Administration  
 Room N-1513  
 US Department of Labor  
 200 Constitution Ave., NW  
 Washington, DC 20210

Dear Sir or Madame:

This statement is filed under DOL Regulations § 2520.104-23.

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Employer: National Kidney Foundation

Address: 30 East 33<sup>rd</sup> Street  
 New York, NY 10016

Employer ID  
 Number: 13-1673164

The Employer adopted the following plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees:

Plan	Number of Participants	Effective Day
Flexible Capital Accumulation Account Plan	10	Jan. 01, 2006
457(b) Eligible Deferred Compensation Plan	10	Jan. 01, 2006
CEO Supplemental Executive Retirement Plan	1	July 01, 2005

The Employer will provide plan documents to the Secretary of Labor on request.

Sincerely,

John Davis  
 Chief Executive Officer

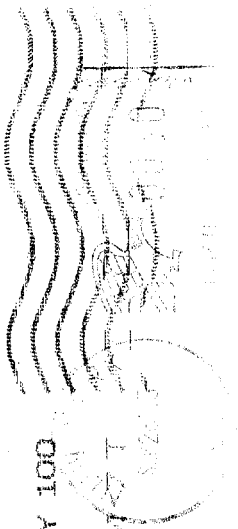
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National Kidney Foundation

NEW YORK NY 100

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