

  
**ALPHA**

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601 Genome Way, Huntsville, AL 35806

August 8, 2008

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Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, D.C. 20210

RE: Top-Hat Plan Exemption

To Whom It May Concern:

The Hudson-Alpha Institute for Biotechnology, a 501(c)(3) corporation organized under the laws of the State of Alabama, hereby notifies the Pension and Welfare Benefits Administration that it claims exemption for the plan listed below from the reporting and disclosure requirements of Title I of the Employee Retirement Income Security Act (as amended).

Employer Name: Hudson-Alpha Institute for Biotechnology  
Address: 601 Genome Way, Huntsville, Alabama 35806  
Employer EIN: 43-2059317  
Name of Plan: Hudson-Alpha Institute for Biotechnology 457 (b) Eligible Deferred Compensation Plan  
Effective Date: July 31, 2008.

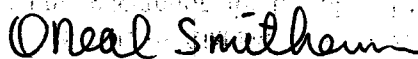
The Plan is maintained for a select group of management or highly compensated employees.

Number of Plans: 1

Number of Employees in Plan(s): 7

If you have any questions, I hope that you will not hesitate to contact me at the address shown above.

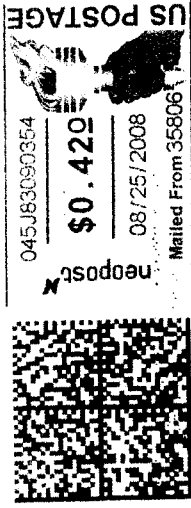
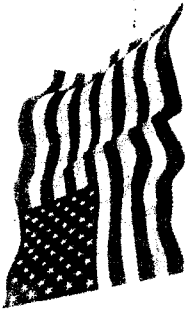
Sincerely,



O'Neal Smitherman, Ph.D.  
Executive Vice President



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