

EBSA/PUBLIC DISCLOSURE
2010 JAN 19 PM 3: 16



2 Tech Drive, Suite 201
Andover
MA 01810

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Via Certified Mail - Return Receipt Requested

January 12, 2010

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

Re: Top Hat Plan Statement under DOL Regulation Section 2520.104-23

Dear Sir or Madam:

This letter is furnished in compliance with Department of Labor (DOL) regulation Section 2520.104-23 as an alternative method of complying with the reporting and disclosure requirements of part 1 of Title 1 of ERISA.

- 1) Employer: MKS Instruments, Inc.
2 Tech Drive, Suite 201
Andover, MA 01810
- 2) Employer Identification Number: ~~04-227512~~ 04-2277512
- 3) Number of Plans: 6
- 4) Declaration: The employer maintains these plans primarily for the purposes of providing retiree health benefits for a select group of management or highly compensated employees. Benefits under the plans will be provided from the general assets of the employer through insurance contracts or policies or both, as provided in regulations Section 2520.104-23(d)(2).
- 5) Number of Employees in Each Plan: There is one participant in each plan.

Sincerely,

Philip Zucchi
Vice President, Human Resources

CERTIFIED MAIL™



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