

§ 19.281

27 CFR Ch. I (4-1-08 Edition)

§ 19.281 Security.

(a) *General.* The proprietor shall provide adequate security measures at the distilled spirits plant to protect the revenue.

(b) *Buildings.* The buildings, rooms, and partitions shall be constructed of substantial materials. Doors, windows, or any other openings to the building shall be secured or fastened during times when distilled spirits plant operations are not being conducted.

(c) *Outdoor tanks.* Outdoor tanks containing spirits, denatured spirits, or wine shall be individually locked or locked within an enclosure when they are not in use.

(d) *Indoor tanks.* Indoor tanks containing spirits, denatured spirits, or wines or the rooms or buildings in which they are housed, shall be equipped so that they may be secured.

(e) *Approved locks.* (1) Approved locks shall be used to secure:

(i) Outdoor tanks containing spirits in the storage account or on an enclosure around such tanks;

(ii) Indoor tanks containing spirits in the storage account or on the door from which access may be gained from the outside to the rooms or buildings in which such tanks are housed; and

(iii) Any doors from which access may be gained from the outside to rooms or buildings containing spirits in portable bulk containers in the storage account.

(2) Approved locks shall meet the following minimum specifications:

(i) Corresponding serial number on the lock and on the key, except for master key locking systems;

(ii) Case hardened shackle at least one-fourth inch in diameter, with heel and toe locking;

(iii) Body width of at least 2";

(iv) Captured key feature (key may not be removed while shackle is unlocked);

(v) Tumbler with at least 5 pins; and

(vi) Lock or key contains no biting data.

Master key locking systems may be used at the option of the proprietor. Locks meeting the specifications in this section are approved locks for the purpose of 26 U.S.C. 5682. Proprietors who wish to use locks of unusual design, which do not meet the specifica-

tions in this part, shall submit an example or prototype of the lock to the appropriate TTB officer, with a request that the lock be approved for use. The appropriate TTB officer may require submission of the lock for testing prior to approval.

(f) *Additional security.* Where the appropriate TTB officer finds the construction, arrangement, equipment, or protection inadequate, additional security shall be provided (i.e., fences, flood lights, alarm systems, guard services) or changes in construction, arrangement, or equipment shall be made to be extent necessary to protect the revenue.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1353, as amended, 1410, as amended (26 U.S.C. 5178, 5682); sec. 806, Pub. L. 96-39, 93 Stat. 279 (26 U.S.C. 5202))

§ 19.282 Breaking Government locks.

Where affixed, Government locks shall not be removed without the authorization of the appropriate TTB officer, except where a person or property is in imminent danger from a disaster or other emergency. When a disaster or other emergency occurs, and it is impractical to first obtain authorization from an appropriate TTB officer, Government locks may be removed, by the proprietor, or by police or firefighters. When such action is taken, the proprietor shall see that security measures are taken to prevent illegal removal of spirits and, as soon as practical, shall notify the appropriate TTB officer of the action taken and submit within 5 days a written report, executed under the penalties of perjury, describing the emergency and the action.

(Sec. 806, Pub. L. 96-39, 93 Stat. 279 (26 U.S.C. 5202))

Subpart J—Production

§ 19.311 Notice by proprietor.

(a) *Commencement of operations.* The proprietor shall, before commencing production operations or resuming production operations after having given notice of suspension, file a notice on Form 5110.34 with the appropriate TTB officer, specifying the date on which he