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September 19, 2003

Attn: TTB Notice No. 4
Chief Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
P.O. Box 50221
Washington, D.C. 20091-0221

Dear Sir or Madam:

Speedway SuperAmerica LLC supports the proposed rule recently issued by the Tax and Trade Bureau in TTB Notice No. 4 of March 2003 that outlines the necessary alcohol content requirements in order for Flavored Malt Beverages ("FMB's") to be classified as beer. The proposed standard would require that an FMB's alcohol content derived from distilled alcohol not exceed 0.5%.

The proposed standard is consistent with the historical interpretation by Federal regulatory authorities of what constitutes beer and other malt beverages. The standards take into consideration the ancient brewing process for beer that has resulted in the unique regulation and taxation of beer in contrast to other alcohol beverages.

This proposed rule is also important because it gives states guidance on how to classify these products. Federal leadership is critical as state definitions of "beer," "malt beverage," and "spirits" are often very similar. This is important to our members because it will help prevent disruption in the market that could cause confusion and extra regulatory compliance costs. The proposed rule would likely be followed at the state level, helping to maintain clear and distinct definitions that will guarantee consistent tax, licensing, and distribution policies for each category.

Once again, Speedway SuperAmerica reaffirms our support for the "0.5% standard" for FMBs and urges its final adoption in the near future.

Sincerely,

R.G. Becker

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