

Authority: 26 U.S.C. 7805 * * *.

Par. 2. Section 18.0 is revised to read as follows:

§ 18.0 Effective date of temporary regulations under the Subchapter S Revision Act of 1982.

The temporary regulations provided under §§ 18.1361-1, 18.1377-1, 18.1379-1, and 18.1379-2 are effective with respect to taxable years beginning after 1982, and the temporary regulations provided under § 18.1378-1 are effective with respect to elections made after October 19, 1982.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95-7970 Filed 3-30-95; 8:45 am]

BILLING CODE 4830-01-P

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[TD ATF-362; Re: Notice No. 802]

RIN 1512-AA07

Cucamonga Valley Viticultural Area (94F-011P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in San Bernardino and Riverside Counties, California, to be known as "Cucamonga Valley." The petition was filed by Gino L. Filippi of J. Filippi Vintage Co. on behalf of himself and other growers and wineries in the area.

ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the

establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF received a petition from Gino L. Filippi of J. Filippi Vintage Co. proposing to establish a viticultural area in San Bernardino and Riverside Counties, California, to be known as "Cucamonga Valley." The viticultural area is located in southern California, about 45 miles east of the city of Los Angeles. It contains approximately 109,400 acres. The petitioner states that wine grapes, probably the mission variety, were first planted in the Cucamonga Valley in 1839 or 1840, "undoubtedly one of the first large plantings of grapes in California." According to the petitioner the wine industry in the Cucamonga Valley grew during the late nineteenth and early twentieth centuries, reaching "its peak in the 1940's and 1950's with over 60 wineries producing from approximately 35,000 acres." Today, there are five

bonded wineries within the proposed area, and approximately 2,000 acres are planted to wine grapes. The petitioner notes "the area's great history and heritage of wine growing and winemaking is truly more impressive than the number of acres currently farmed."

The petition was also signed by Philo Biane of Rancho de Philo Winery, René Biane of Guasti Plaza, Don Galleano of Galleano Winery, Paul Hofer III of Hofer Ranch, LeAnn Smothers of the City of Rancho Cucamonga, and Jeff Wilson, of Inland Empire West Resource Conservation District.

Notice of Proposed Rulemaking

In response to Mr. Filippi's petition, ATF published a notice of proposed rulemaking, Notice No. 802, in the **Federal Register** on December 2, 1994 (59 FR 61853), proposing the establishment of the Cucamonga Valley viticultural area. The notice requested comments from all interested persons by January 31, 1995.

Comments on Notice of Proposed Rulemaking

ATF received 15 letters of comment and copies of several newspaper articles and a newspaper editorial concerning the proposal to establish the Cucamonga Valley viticultural area. All commenters expressed their support for establishing the Cucamonga Valley viticultural area as proposed in Notice No. 802. Commenters included growers and other local business owners, consumers, and government officials.

The Honorable James L. Brulte, State Assembly Republican Leader, wrote to support recognition of Cucamonga Valley as a viticultural area. The Honorable Fred Aguiar, State Assemblyman for the Sixty-first assembly district, endorsed the establishment of Cucamonga Valley viticultural area and wrote further:

Our region has a long and distinguished history in the winegrowing industry and it is highly appropriate that this area be recognized for such a distinction.

The San Bernardino County Board of Supervisors adopted a resolution which read, in part, as follows:

* * * RESOLVED that the Board of Supervisors of the County of San Bernardino, State of California, hereby recognizes the efforts of the local wineries and supports the designation of "CUCAMONGA VALLEY" in advertising and on the labels of wines produced in this vicinity.

The Honorable William J. Alexander, Mayor of Rancho Cucamonga, wrote:

I would like to express our support in establishing the Cucamonga Valley as a

viticulture area. The City of Rancho Cucamonga takes great pride in the fact that the grape vineyards and the wineries of our area contributed so much to the early history of the region. For this reason, a grape cluster has a prominent focus in both the City's seal and logo.

Allyn B. Scheu of Scheu Manufacturing Company wrote that the designation "will help consumers to identify the origins of the wines they buy and will recognize the Cucamonga area's rich heritage of wine production." Charles L. Keagle, a restaurateur, also supported the designation and wrote that "the history of the area, America's first, goes back over 100 years."

Columnist Garry Greenberg of the Victorville, California *Daily Press*, sent in a copy of his September 15, 1994 column which reported on the filing of the petition, and described the Cucamonga Valley area as "the home of the largest winemaking industry in the world a century ago." Mr. Greenberg also sent in the text of a column which he planned to publish in January 1995, encouraging readers to write in support of the proposed area.

The petitioner mailed in a clipping of an editorial from the *Inland Valley Daily Bulletin* of December 30, 1994, which concluded:

There are 122 viticultural regions in the United States, and 69 of them are in California. The next one should be in California also, in the "Cucamonga Valley."

Evidence of Name

Evidence that the name Cucamonga Valley is locally and/or nationally known as referring to the viticultural area includes:

(a) Leon D. Adams, in *The Wines of America*, describes the Cucamonga Valley as follows:

The Cucamonga Valley, forty-five miles east of Los Angeles, has grown the bulk of Southern California wine during the present century. The vineyard area extends from Ontario east to Fontana and from the base of the San Gabriel Mountains southward to the Jurupa Hills in Riverside County. The climate, though tempered by winds from the ocean, is as warm as the northern San Joaquin Valley and is classed as Region IV.

(b) An article published in *The Sun*, a San Bernardino, California, newspaper, on March 30, 1994, titled "Fontana winery soaks up more awards," described awards won by two wines from J. Filippi Vintage Co. at a recent competition and stated that the "Ruby Port is produced from Cucamonga Valley grapes, renown for sherry and port wines."

(c) A letter dated August 20, 1991, from the San Bernardino County Archives to the Riverside County

Historical Commission discussed designation of the Galleano Winery as a landmark. The letter makes several references to the Cucamonga Valley, mentioning locations within the proposed area such as Rancho Cucamonga, Fontana, Ontario and Mira Loma.

Evidence of Boundaries

As evidence that the boundaries for the area are as specified in the petition, the previously cited excerpt from *The Wines of America*, by Leon D. Adams, states that the vineyard area of the Cucamonga Valley "extends from Ontario east to Fontana and from the base of the San Gabriel Mountains southward to the Jurupa Hills in Riverside County." The San Gabriel Mountains form the northern boundary of the proposed area, and the Jurupa Hills form the eastern part of the southern boundary. The towns of Fontana and Ontario are both within the area.

The petitioner used the 560' elevation line as the western portion of the southern boundary. He states the area south of that elevation has poor drainage and is mainly used for dairy farming.

In support of Euclid Avenue as the western boundary for the viticultural area, the petitioner gave historical information. He stated that the area west of Euclid Avenue "was subjected to flooding from the San Antonio Canyon. In the 1940's several flood control construction projects began to solve the problem. Historically, agriculture in this area (Upland, CA) was citrus (lemons and oranges)." He stated that citrus trees were grown there because there was a good water source and better drainage than within the viticultural area to the east of Euclid Avenue.

The eastern boundary, made up of Lytle Creek Wash, Warm River, and the Santa Ana River, marks a shift in the type of soil and the ability of the soils to drain. These characteristics will be discussed in detail in the background material on soils.

Geographical Features

The petitioner describes the viticultural area as follows:

Cucamonga Valley is an east-west oriented valley. The San Gabriel mountains form the valley's northern boundary. The San Antonio Creek, Cucamonga Creek, Deer Creek, Day Creek, San Sevaine Creeks, from west to east respectively, spread out to form alluvial fans as they descend the foothills and emerge in the Cucamonga Plain. These fans contain sand and silt deposits that create a rich mixture of fertile soil.

The viticultural area includes the area described above and the valley drained by the Cucamonga Creek to the south of this alluvial fan. These areas share characteristics of topography, soil composition and climate which distinguish the viticultural area from the surrounding areas. The petitioner provided the following evidence of the area's distinctiveness:

Topography

The U.S.G.S. topographic maps submitted by the petitioner show the viticultural area slopes gradually from 2,000 feet at the northern boundary to 560 feet at the southern boundary. The petitioner describes the San Gabriel mountains to the north of the proposed area as "a great wall, from 8,000 to 10,000 feet high." The Jurupa Mountains to the southeast of the area offer another contrast as they rise steeply from the valley floor to form part of the southern boundary. The balance of the southern boundary, the 560 foot contour line, was chosen because the area at lower elevations was poorly drained and was traditionally used for dairy farming; furthermore, the nearby Prado Dam is scheduled to be raised, so the area to the south of the 560 foot contour line will be flooded.

Soil

According to the petitioner, the soil in the viticultural area is "alluvial valley floors, fans and terraces * * * derived from granitic rock from the San Gabriel formation in the north." He further states that the wine grape vineyards in the region are "found to be located on Delhi, Hanford, Tujunga, Gorgonio and Hilmar soil series" and "most vineyards are nearly level to moderately sloping (0-15°)."

The General Soil Map for southwestern San Bernardino County describes these associations as very deep, "dominantly brownish soils that are coarse textured throughout" and "somewhat excessively drained to excessively drained." On this map, the eastern boundary in particular is distinguished by a change in the soil composition to the Hanford-Greenfield-San Emigdio association, finer textured and less well drained than the soils within the proposed area. The mountainous areas to the north and southeast of the viticultural area have shallower soils over granite, schist and sandstone.

Climate

The petitioner states that the climate in the area is "well-suited for viticulture * * *. There are relatively few nights below freezing in the winter and

summer days can be very hot, reaching temperatures over 100 degrees Fahrenheit." The climate is classed as Region IV, with a heat summation in the 3,501 to 4,000 degree F. range. The petitioner states this corresponds to the Ukiah, Davis and Lodi areas of California, and is warmer than the Santa Barbara, Santa Rosa and Santa Maria areas to the north and the Temecula and Rancho California areas to the south.

Boundary

The boundary of the Cucamonga Valley viticultural area may be found on ten United States Geological Survey (U.S.G.S.) maps with a scale of 1:24000. The boundary is described in § 9.150.

Miscellaneous

ATF does not wish to give the impression by approving the Cucamonga Valley viticultural area that it is approving or endorsing the quality of wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving this area, ATF will allow wine producers to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from Cucamonga Valley.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because:

(1) It will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new recordkeeping or reporting

requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Marjorie D. Ruhf, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.150 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.150 Cucamonga Valley.

(a) *Name.* The name of the viticultural area described in this section is "Cucamonga Valley."

(b) *Approved maps.* The appropriate maps for determining the boundary of the Cucamonga Valley viticultural area are the following ten U.S.G.S. topographical maps (7.5 minute series 1:24000 scale):

(1) "Mt. Baldy, Calif.," 1967, photorevised 1988.

(2) "Cucamonga Peak, Calif.," 1966, photorevised 1988.

(3) "Devore, Calif.," 1966, photorevised 1988.

(4) "San Bernardino North, Calif.," 1967, photorevised 1988.

(5) "Ontario, Calif.," 1967, photorevised 1981.

(6) "Guasti, Calif.," 1966, photorevised 1981.

(7) "Fontana, Calif.," 1967, photorevised 1980.

(8) "San Bernardino South, Calif.," 1967, photorevised 1980.

(9) "Prado Dam, Calif.," 1967, photorevised 1981.

(10) "Corona North, Calif.," 1967, photorevised 1981.

(c) *Boundary.* The Cucamonga Valley viticultural area is located in San Bernardino and Riverside Counties, California. The boundary is as follows:

(1) The beginning point is the intersection of Euclid Avenue and 24th Street on the Mt. Baldy, Calif. U.S.G.S. map;

(2) From the beginning point, the boundary follows 24th Street east for approximately 0.3 mile, until it reaches the intersection of 24th Street with two unnamed light-duty streets to the north;

(3) The boundary then diverges from 24th Street and goes straight north for approximately 0.3 mile, until it reaches the 2,000 foot contour line;

(4) The boundary then follows the 2,000 foot contour line in a generally easterly direction across the Cucamonga Peak, Calif., U.S.G.S. map and onto the Devore, Calif., U.S.G.S. map until it reaches Lytle Creek Wash;

(5) The boundary follows the intermittent stream in Lytle Creek Wash in a southeasterly direction to the end of the intermittent stream on the Devore, Calif., U.S.G.S. map;

(6) The boundary then continues through Lytle Creek Wash, proceeding southeast in a straight line from the end of the intermittent stream, across the southwest corner of the San Bernardino North, Calif., U.S.G.S. map and onto the San Bernardino, South, Calif., U.S.G.S. map, to the northernmost point of the flood control basin at the end of the Lytle Creek Wash, a distance of approximately 4.3 miles;

(7) The boundary then proceeds in a straight line south-southeast across the flood control basin to the point where Lytle Creek Channel exits the basin;

(8) The boundary continues along Lytle Creek Channel until it empties into Warm Creek;

(9) The boundary then follows Warm Creek until it meets the Santa Ana River;

(10) The boundary then follows the western edge of the Santa Ana River in a generally southwesterly direction until it meets the San Bernardino—Riverside County line;

(11) The boundary follows the county line west, crossing onto the Guasti, Calif., U.S.G.S. map, until it reaches the unnamed channel between Etiwanda and Mulberry Avenues (identified by the petitioner as Etiwanda Creek Channel);

(12) The boundary then follows Etiwanda Creek Channel in a southerly direction until it parallels Bain Street;

(13) The boundary then diverges from Etiwanda Creek Channel and follows Bain Street south until it ends at

Limonite Avenue in the northeast corner of the Corona North, Calif., U.S.G.S. map;

(14) The boundary then continues south in a straight line until it reaches the northern shore of the Santa Ana River;

(15) The boundary then follows the north shore of the Santa Ana River until it intersects the 560 foot contour line in Section 1 T3S/R7W;

(16) The boundary then follows the 560' contour line to the north of the Santa Ana River in a generally westerly direction until it reaches Euclid Avenue on the Prado Dam, Calif., U.S.G.S. map;

(17) The boundary then follows Euclid Avenue north to the point of beginning.

Signed: March 1, 1995.

Daniel R. Black,
Acting Director.

Approved: March 9, 1995.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary,
(Regulatory, Tariff and Trade Enforcement).

[FR Doc. 95-7893 Filed 3-30-95; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024-AC31

Denali National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The National Park Service (NPS) is promulgating an interim rule to require mountain climbers to register a minimum of 60-days before any climb on Mount McKinley and Mount Foraker in Denali National Park. Mountaineering in the park has increased dramatically over the last ten years. The number of climbers on Mount McKinley has risen from 695 in 1984 to 1,277 in 1994. Climbing-related injuries and deaths have correspondingly increased. By requiring advance registration, the Denali park staff will be able to provide information to prospective mountaineers in advance of their climb. This may include information on the specific dangers they may face, how to prepare and equip, other safety related issues, and requirements concerning resource protection issues such as litter removal and human waste disposal. Currently, climbers are required to

register, but may do so as late as the day they depart for the mountain.

DATES: This rule is effective March 31, 1995. *Expiration date:* Section 13.63(f) will expire on March 31, 1997, unless amended or revised by future rulemaking. However, written comments will be accepted until May 30, 1995.

ADDRESSES: Comments should be directed to: Superintendent, PO Box 9, Denali National Park, AK 99755.

FOR FURTHER INFORMATION CONTACT: Steve Martin, Acting Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali National Park, AK 99755.

SUPPLEMENTARY INFORMATION:

Background

Denali National Park was first established as Mt. McKinley National Park on February 26, 1917. A separate Denali National Monument was proclaimed on December 1, 1978. These two were combined, reconfigured and established as Denali National Park and Preserve on December 2, 1980, encompassing 6.5 million acres. Prior to achieving its current configuration, the land the park now encompasses was recognized for its unique ecological value and designated an International Biosphere Reserve in 1976. That designation has since been expanded to encompass the entire 6.5 million acre park and preserve. The park contains North America's highest mountain, 20,320 foot Mount McKinley. Mount Foraker, at 17,400 feet, and numerous large glaciers of the Alaska Range are also a part of this park's subarctic ecosystem. Wildlife includes caribou, Dall sheep, moose, grizzly bears and wolves.

The first ascent of Mount McKinley occurred in 1913. Climbing continued to be a popular activity, although on a small scale, after the park was established. However, during the last ten years mountaineering in the park has increased dramatically. The number of Mount McKinley climbers has risen from 695 in 1984 to 1,277 in 1994. With the numbers of climbers increasing, the number of accidents, rescues, and resource related problems have also increased. Since 1932 a total of 79 mountaineers have perished on the slopes of Mount McKinley; 23 percent of these deaths (18 people) have occurred since 1990. Recent years have also seen an increase in climbing related deaths on Mount Foraker and the other Alaska Range peaks located in the park. In 1990, eight mountaineers were rescued on Mount McKinley. In sharp contrast, the number of mountaineers rescued increased to 28 in 1992, and 27

in 1994. Studies by the NPS showed that the major reason climbers got into trouble on the mountain and required rescue was their unfamiliarity with the hazards unique to Mount McKinley. Specifically, extreme weather conditions, their changeability, and the other hazards associated with climbing in such northerly latitudes caught the climbers unprepared. The NPS determined that climbers need better education and information prior to their climbs and that an appropriate time frame was necessary to convey this information to the climbing community. Climbers from 22 countries registered to climb Mount McKinley in 1990. With so many climbers seeking permits, adequate lead time required to fulfill the requests lengthens. The 60 day pre-registration period will provide sufficient opportunity for the Denali park staff to provide the necessary information to prospective mountaineers on the dangers they may face climbing in the park, how to prepare and equip themselves for the climb, other safety related issues, and requirements concerning resource protection issues such as litter removal and human waste disposal.

Authority

This regulation is promulgated pursuant to the Secretary of the Interior's authority to make and publish necessary and proper rules and regulations for the use and management of parks, monuments and reservations under the jurisdiction of the National Park Service (16 U.S.C. 3).

Interim Rulemaking

The purpose of this rulemaking is to allow the park enough time to provide climbers with better general and safety related information in order to reduce the number of climbing accidents and the attendant injuries and deaths, the occurrence of which have recently and dramatically increased. In order for the NPS to implement these safeguards prior to the 1995 climbing season, which begins in April 1995, the interim rule will need to be effective upon the date of publication. The park is already receiving requests for information about the 1995 climbing season; allowing for notice and comment or delaying the effective date of the rule will not allow the NPS adequate time to implement these safeguards. The interim rule has a two-year "sunset clause". Notice and comment rulemaking will be conducted with full public involvement during this two-year time period. The intended result of this action is to immediately increase the safety of mountain climbers by allowing sufficient time for the park