

movement of domestic commodities from areas in the United States where flag smut exists; (4) because of temperature and moisture needs of the pathogen, flag smut occurs in the United States only in the Pacific Northwest and only when seed is sown under certain conditions; and (5) effective production strategies exist that minimize the effects of this disease on wheat. The pest risk assessment is available on the Internet at <http://www.aphis.usda.gov/ppq/prra>, or a copy may be requested by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Under these circumstances, it does not appear that U.S. wheat would be at risk from foreign strains of flag smut if we remove the current prohibitions. Also, we believe that we are obligated to remove the prohibitions under the World Trade Organization Agreement on Sanitary and Phytosanitary Measures and the International Plant Protection Convention. These agreements require our import regulations concerning a specified plant or plant pest to be no more stringent than our domestic regulations concerning the same plant or plant pest. These agreements also require us to impose the least restrictive requirements consistent with our appropriate level of protection.

However, simply removing the prohibitions related to flag smut could present a plant pest risk. The flag smut regulations have for many years prohibited the importation of wheat and related products from the countries and localities listed in § 319.59-2(a)(2). As the prohibitions were put into place prior to our adoption of the pest risk analysis process, no risk assessment has been prepared to determine whether other plant pests associated with wheat and other products covered by the flag smut regulations are present in those countries and localities.

We are weighing whether to continue prohibitions on wheat and related products from these countries, even if we remove the prohibitions related to flag smut, until a risk assessment can be completed that would evaluate the risk of those products introducing other plant pests. Also, we are weighing whether a similar risk assessment should be done relative to imports of wheat and related products from countries that are not currently covered by the flag smut regulations and that already ship wheat and related products to the United States. Although pest interception data has not indicated a problem with those imports, no risk assessment has been done to evaluate the risk of those products introducing other plant pests. Major exporters of

wheat to the United States include Canada and Mexico.

We invite comments on these issues. In particular, we are soliciting comments that address the following questions:

1. Should we remove the current prohibitions related to foreign strains of flag smut?

2. If we remove the prohibitions related to flag smut, are any lesser restrictions or safeguards necessary? If so, why, and what restrictions or safeguards would be appropriate?

3. If we remove the prohibitions related to flag smut, should we continue to prohibit the importation of wheat and related products from countries and localities currently covered by the flag smut regulations until a risk assessment can be completed that would evaluate the risk of those products introducing other plant pests?

4. If we require a risk assessment before allowing wheat and related products to be imported from countries now covered by the flag smut regulations, should we also require a risk assessment for wheat and related products from countries that are not currently covered by the flag smut regulations and that already ship wheat and related products to the United States?

5. What would be the effects of any of these options on:

- a. U.S. wheat producers;
- b. U.S. consumers of wheat products; and
- c. Other interested parties in the United States, such as grain storage facilities, grain haulers, feed and flour millers, and seed companies?

We welcome comments on these questions and encourage the submission of new options or suggestions.

This action has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Authority: 7 U.S.C. 166, 450, 7711-7714, 7718, 7731, 7732, and 7751-7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 3rd day of February 2003.

Bill Hawks,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 03-3057 Filed 2-6-03; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 3, 5, 6, 7, 9, 28, and 34

[Docket No. 03-02]

RIN 1557-AB97

Rules, Policies, and Procedures for Corporate Activities; Bank Activities and Operations; Real Estate Lending and Appraisals

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to amend several of its regulations to update and clarify them in various respects. Proposed revisions to parts 5 and 7 would implement new authority provided to national banks by sections 1204, 1205, and 1206 of the American Homeownership and Economic Opportunity Act of 2000 (AHEOA). Section 1204 permits national banks to reorganize directly to be controlled by a holding company. Section 1205 increases the maximum term of service for national bank directors, permits the OCC to adopt regulations allowing for staggered terms for directors, and permits national banks to apply for permission to have more than 25 directors. Section 1206 permits national banks to merge with one or more of their nonbank affiliates, subject to OCC approval. In order to clarify issues that have arisen in connection with the scope of the OCC's visitorial powers, the proposal would revise part 7. The proposal contains other amendments to parts 5, 7, 9, and 34 as well as several technical corrections.

DATES: Comments must be received by April 8, 2003.

ADDRESSES: Please direct your comments to: Office of the Comptroller of the Currency, 250 E Street, SW., Public Information Room, Mailstop 1-5, Washington, DC 20219, Attention: Docket No. 03-02; fax number (202) 874-4448; or Internet address:

regs.comments@occ.treas.gov. Due to delays in the delivery of paper mail in the Washington area, we encourage the submission of comments by fax or e-mail whenever possible. Comments may be inspected and photocopied at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC. You can make an appointment to inspect comments by calling (202) 874-5043.

FOR FURTHER INFORMATION CONTACT: For questions concerning proposed 5.20,