

physical space to comply—a condition that should not be relevant if all that is required is signage. The West Virginia Insurance Department also has suggested in informal discussions that this provision would require physical segregation.

We therefore assume that section 14 requires the physical separation of insurance from lending and deposit-taking activities. Accordingly, in our view, the West Virginia requirement for physical segregation of insurance sales from lending and deposit-taking is preempted under the *Barnett* standards.

In most banks, the deposit-taking area generally encompasses teller windows and teller lines. These spaces, which are different from the types of physical settings used in many other kinds of business offices, tend to be in a discrete area, characterized by a fairly quick movement through of customers. Both lending and insurance sales, on the other hand, are often done from desks in spaces apart from the teller services where the customer can speak with a representative for a longer time to discuss the transaction.

The requirement to separate lending and deposit-taking activities from insurance sales affects the banks' insurance sales efforts significantly. Many banks, both large and small, are developing ways to streamline their delivery systems, for example, by the use of more compact physical facilities and a greater reliance on technology. At the same time, banks are striving to increase convenience and product choices to consumers.<sup>94</sup> A restriction on the physical location of insurance activities would require the bank to devote more physical space to all three types of activities than is otherwise necessary, raising costs at bank facilities. Similar to the effect of the requirement in

section 6 for a separate insurance sales force, this requirement in section 14 substantively intrudes into and disrupts bank operations by effectively prohibiting a bank from conducting all three activities without incurring substantial, unnecessary costs to reconfigure its physical space. Higher costs will impede the bank's ability to offer insurance products and reduce the availability of those products to consumers.

The Federal insurance consumer protection statute and regulations avoid this result by requiring that the routine acceptance of deposits is kept, *to the extent practicable*, physically segregated from insurance product activity.<sup>95</sup> In order to comply with Federal law, national banks must separate only deposit-taking from insurance sales, and only to the extent practicable.

The West Virginia statute permits the Commissioner to grant a waiver from the physical segregation requirement upon written request. However, the request must demonstrate that "compliance is not possible," and must identify the steps the bank will take to "minimize customer confusion." As we have said in our discussion of section 6 of the West Virginia statute, a state-administered waiver provision does not erase the conflict between the state provision and Federal law. Under the *Barnett* standards, a state may not condition a national bank's exercise of a Federally authorized power unless a Federal statute directs that result. Here, the State law imposes requirements that are expensive, disruptive of ongoing bank operations, and, in some cases, impossible to implement. Accordingly, section 14 of the West Virginia statute is preempted.

We trust the conclusions expressed in this letter are responsive to the preemption issues you have identified.

Sincerely,

Julie L. Williams,  
First Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 01-25231 Filed 10-5-01; 8:45 am]

BILLING CODE 4810-33-P

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 01-73]

### Cancellation of Customs Broker Licenses

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Customs broker license cancellations.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930 as amended (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111), the following Customs broker licenses are cancelled. Some of these entities may continue to provide broker services under another valid brokerage license. Because previous publication of some records cannot be readily verified, the records are now being published to ensure Customs compliance with administrative requirements.

Name	License	Port name
Ace Young, Inc .....	09667	Chicago
Aeromar USA, Inc .....	06159	Washington, DC
Albuquerque Brokerage Co., Inc .....	04547	Albuquerque
All Nations Forwarding Import Company, Inc .....	06589	Miami
Allround CHB, Inc .....	11854	New York
Apple Import Services Inc .....	07255	New York
Arthur J Fritz Company .....	05455	Miami
Arthur J Fritz Company .....	07646	St. Louis
Arthur J Fritz Company .....	03160	Honolulu
Arthur J Fritz Company .....	06951	Boston
Arthur J Fritz Company .....	06960	Detroit
Arthur J Fritz Company .....	03763	El Paso
Arthur J Fritz Company .....	07006	Atlanta
Arthur J Fritz Company .....	06346	Dallas/Fort Worth
Arthur J Fritz Company .....	09204	Philadelphia
Arthur J Fritz Company .....	03492	Portland, ME
Arthur J Fritz Company Of Hawaii, Inc .....	03520	Honolulu
Arthur J Fritz Company of Los Angeles .....	03205	Los Angeles
Arthur J Fritz Company, Inc .....	03501	New Orleans
Arthur J Fritz Company, Inc .....	07362	Charleston
Arthur J Fritz Company, Inc .....	07203	Cleveland
Associated Customhouse Brokers .....	06041	Buffalo
Autair Customhouse Broker, Inc .....	15120	Miami
Bar-Zel Expeditors Inc .....	04436	New York
Barinco International Corporation .....	07692	San Francisco
BBC International .....	05051	San Francisco
Becnel, Gerard .....	06333	New Orleans
Becnel, Gerard A .....	09064	New Orleans

<sup>94</sup> From a consumer's standpoint, the OCC has noted, the convenience and ease of using a streamlined facility diminishes if the facility cannot

offer the full panoply of services available at a traditional brick and mortar facility.

<sup>95</sup> See 12 U.S.C. 1831x(d); 12 CFR 14.50.

Name	License	Port name
Cammarano, John .....	06264	New York
Cammarano, Angelo .....	03648	New York
Cargo Brokers International, Inc .....	07217	Miami
Cargo Clearance Services, Inc .....	15103	Miami
Celaya Guerin International (CGI) .....	11938	Philadelphia
Christie, Roy G.W .....	05843	Tampa
Clopp, Jerry Bruce .....	12060	San Francisco
Continental Forwarding Co., Inc .....	13026	Cleveland
Craig International, Inc .....	13252	Cleveland
DAO Forwarding & Customs Brokerage, Inc .....	17406	Baltimore
Davis, Leonard H .....	06471	New York
DeAngelus & Associates, Inc .....	16916	Washington, DC
Dieterle, Hellmut Michael .....	08001	San Francisco
Disodado D. Roque Int'l, Inc .....	09597	San Francisco
DL Bynum & Company, Inc .....	12077	Dallas/Fort Worth
Eagle Warehouse, Inc .....	13198	Miami
Emery Distribution Systems, Inc .....	05790	Washington, DC
Emery Distribution Systems, Inc .....	04560	New Orleans
Evans & Wood Company, Inc .....	07922	Dallas/Fort Worth
Expeditors International of Washington, Inc .....	07259	New York
Expeditors International of Washington, Inc .....	06946	San Francisco
FB Vandergrift Company, Inc .....	07645	San Francisco
Fong, J.B .....	06150	San Francisco
Foreign Forwarding, Inc .....	13311	Milwaukee
Fritz Air Freight .....	06658	Dallas/Fort Worth
Gash, Robert William .....	02215	San Francisco
Global Transportation Systems, Inc .....	14830	Washington, DC
Golden Eagle Customs Brokers .....	11891	Miami
Greenlee, Paul L .....	09903	Philadelphia
HB Thomas & Company .....	01049	San Francisco
Helstern, Jay P .....	04845	San Francisco
HH Elder & Company .....	03138	San Francisco
Hipage Company, Inc .....	04042	Washington, DC
HS Dorf Company, Inc (CA) .....	01861	San Francisco
Ingham International, Inc .....	09383	San Francisco
Interamerica Brokera .....	13991	Laredo
Interamerican World Transport Corporation .....	04445	San Francisco
Intercontinental Transport Services, Inc .....	03457	Boston
Interdocs, Inc .....	14236	Great Falls
International Cargo Group, Inc .....	14339	Boston
International Customs Service, Inc .....	06993	San Francisco
International Expeditors, Inc .....	02603	San Francisco
Jacky Maeder, Ltd .....	10446	San Francisco
John S James Company .....	05615	Tampa
John V Carr & Son, Inc .....	01872	Detroit
Jones, Clifford Terrell .....	03534	San Francisco
Karl Schroff Associates, Inc .....	03506	San Francisco
Kearney, Kevin .....	09098	San Francisco
Kinetsu Intermodal (USA), Inc .....	09849	Los Angeles
Kuehne & Nagle, Inc .....	05573	San Francisco
Kuehne & Nagle, Inc .....	07206	Cleveland
LE Coppersmith, Inc .....	03411	San Francisco
LeBlanc, Gregory W .....	11384	New Orleans
Lindsey, James O .....	05273	New York
Lisoni, Ferruccio .....	02693	New York
Lorme International Ltd .....	04646	New York
Lorme, Jr., Charles A .....	04458	New York
Mattoon & Company, Inc .....	02053	San Francisco
Medeiros, Gerald .....	05709	San Francisco
Miami Valley Worldwide, Inc .....	11297	Cleveland
Milne & Craighead Customs Brokers (USA) Inc .....	07605	San Francisco
Modern Intermodal Traffic Co .....	03889	San Francisco
Nippon Express USA, Inc .....	07511	San Francisco
Norman G Jensen, Inc .....	02176	Seattle
Oakes, Charles Norman .....	03834	Boston
Oceanic Forwarding Company .....	03340	San Francisco
Pacific Customhouse Brokerage, Inc .....	05042	San Francisco
PC Heck and Company, Inc .....	10863	Tampa
Pearson, Hartvig M .....	04275	San Francisco
Percival, Wendy Wojnar .....	10730	New York
Rank International Forwarding, Inc .....	14074	Miami
Regis F Kramer Associates .....	04155	San Francisco
Rol-Pac Services, Inc .....	05465	San Francisco
Rubio, Ricardo E .....	05221	New York

Name	License	Port name
RW Smith & Company, Inc .....	04001	New Orleans
Saga & Associates, Inc .....	11153	Los Angeles
Schenker International, Inc .....	08077	Cleveland
Scheyer, Jules .....	09178	New York
SDV Logistics Inc .....	15613	Dallas/Fort Worth
Seamodal Transport Corporation .....	05850	Norfolk
Shields, Jr., William J .....	04437	New York
Soto, Jr., Jose Antonio .....	08025	Laredo
Stecher, Charlene M.T. Lam .....	05586	Honolulu
Sterling International Services, Inc .....	12814	Philadelphia
Three Way Customhouse Brokerage, Inc .....	05949	San Francisco
US Group Consolidator, Inc .....	13489	San Francisco
Wall Shipping Company, Inc .....	14058	Washington, DC
Western Overseas Corporation .....	06188	San Francisco
Wilson Group USA, Inc .....	04565	Baltimore
Wilson UTC, Inc .....	07897	San Francisco
Worldwide Logistics .....	13870	Baltimore
WR Zanes Company of Louisiana, Inc .....	06382	Dallas/Fort Worth
Yolanda Diaz, Inc .....	07494	Miami
Yoshioka, Shigeru .....	03392	San Francisco
Young, David A .....	06853	Detroit
Zawacki, Ronald .....	05815	San Francisco

Dated: September 28, 2001.

**Bonni G. Tischler,**

*Assistant Commissioner, Office of Field Operations.*

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 01-72]

#### Retraction of Revocation Notice

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** The following Customs broker license numbers were erroneously included in a list of revoked Customs broker licenses.

Name	License	Port name
William F. Joffroy, Jr..	05864	Nogales.
Iselda C. Martinez.	12357	Miami.
Scott M. Pierce	15327	Atlanta.

Name	License	Port name
Unit International of Miami.	13168	Miami.
Eduardo Villareal.	13683	Laredo.
W.J. Byrnes-Air & Company.	00060	San Francisco.

Customs broker licenses numbered 05864, 12357, 15327, 13168, 13683, and 00060 remain valid.

Dated: September 28, 2001.

**Bonni G. Tischler,**

*Assistant Commissioner, Office of Field Operations.*

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 01-71]

#### Cancellation of Customs Broker License

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Customs broker license cancellation.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled without prejudice.

Name	License No.	Port name
Total Logistic Control LLC.	16774	Detroit.

Dated: September 28, 2001.

**Bonni G. Tischler,**

*Assistant Commissioner, Office of Field Operations.*

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