

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.⁹⁴ 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 substantially 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.⁹⁵ 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

⁹⁴ 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.

⁹⁵ 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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