was not grossly negligent nor engaged in willful misconduct, and that it had complied with all the provisions of these regulations.

§ 122.176 Removal from ACSPP.
(a) Grounds for removal from ACSPP. The Assistant Commissioner, Office of Field Operations, may revoke or suspend the privilege of operating as a member of the ACSPP if:
(1) Acceptance into the program was gained through fraud or the misstatement of a material fact;
(2) The carrier refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to its cooperation within the program;
(3) An officer of the carrier or corporation which has been accepted into the program is convicted of a felony or misdemeanor involving theft, smuggling, or other theft-connected crime which was committed in his or her official capacity as an officer of the carrier, or is convicted of any Customs-related crime;
(4) The carrier fails to retain merchandise which has been designated for examination;
(5) The carrier does not provide secure facilities or properly safeguard merchandise within its area of control; or
(6) The carrier fails to observe any of the procedures which it had set forth in the SOP which served as the basis for the carrier’s acceptance into the program; and
(7) The carrier has been notified in writing that it has been found in noncompliance with a provision of the program and has failed to correct such noncompliance after having been given a reasonable opportunity to correct such noncompliance.

(b) Notice and appeal. The Assistant Commissioner, Office of Field Operations, shall suspend or remove participants from the ACSPP by serving notice of the proposed action upon the carrier in writing. The notice shall be in the form of a statement specifically setting forth the grounds for suspension or removal and shall provide the carrier with notice that it may file a written notice of appeal from suspension or revocation within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate to the office of the Assistant Commissioner, Field Operations, and shall set forth response of the carrier to the statement of the Assistant Commissioner.

(c) Notice of decision. The Assistant Commissioner, Office of Field Operations, shall notify the participating carrier in writing of the decision concerning continued participation in the program.

(d) Use of uniform criteria. When making any determination regarding a carrier’s participation or continuation in the ACSPP, the Assistant Commissioner, Office of Field Operations, shall employ a uniform standard of performance and evaluation.


Subpart S—Access to Customs Security Areas

§ 122.181 Definition of Customs security area.
For purposes of this section, the term “Customs security area” means the Federal inspection services area at any airport accommodating international air commerce designated for processing passengers, crew, their baggage and effects arriving from, or departing to, foreign countries, as well as the aircraft deplaning and ramp area and other restricted areas designated by the port director. These areas will be posted as restricted to the extent possible and are established for the purpose of prohibiting unauthorized entries or contact with persons or objects.

[T.D. 90–82, 55 FR 42557, Oct. 22, 1990, unless otherwise noted]

§ 122.182 Security provisions.
(a) Customs access seal required. With the exception of all Federal and uniformed State and local law enforcement personnel and aircraft passengers