

employer. The notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the privilege and shall be final and conclusive upon the employee, unless a written notice of appeal as provided in paragraph (c) of this section is filed with the port director.

(c) *Appeal.* The employee may file a written notice of appeal of the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate and shall set forth the response of the employee to the statement of the port director. A hearing may be requested in the notice of appeal.

(d) *Hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Commissioner, or his designee, within 30 days following the request. The employee shall be notified of the time and place of the hearing at least 5 days before the hearing. The employee may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented. Both parties shall have the right of cross-examination. A stenographic record of the proceedings shall be made upon request and a copy furnished to the employee. At the conclusion of the proceedings or review of a written appeal, the hearing officer or the port director shall promptly transmit all papers and the stenographic record to the Commissioner or his designee, together with the recommendation for final action. If neither the employee nor his attorney appear for a scheduled hearing, the hearing officer shall record that fact, accept any appropriate testimony, and conclude the hearing. The hearing officer shall promptly transmit all papers, together with his recommendations, to the Commissioner or his designee.

(e) *Additional written views.* Within 10 days after delivery of a copy of the stenographic record of the hearing to the Commissioner, or his designee, the employee may submit to the Commissioner, or his designee, additional written views and arguments on matters in the record.

(f) *Decision.* After consideration of the recommendation of the hearing officer or the port director, the Commissioner, or his designee, shall render a written decision. The decision shall be transmitted to the port director and served by the port director on the employee.

§ 122.188 Issuance of temporary identification.

(a) *Conditions for issuance.* When an approved identification card, strip, or seal is required under § 122.182(a) of this part and the port director determines that the application cannot be administratively processed in a reasonable period of time, an employer may, upon written request, be issued a temporary identification card, strip, or seal for his employee. The employer must satisfy the port director that a hardship would result if the request is not granted. Surety on the bond, as required by § 122.182(c), may be waived in the discretion of the port director but only for the period of the temporary identification card and its renewal period.

(b) *Validation period.* The temporary identification card, strip, or seal shall be valid for a period of 60 days. The port director may renew the temporary identification card, strip, or seal for additional 30 day periods where the circumstances under which the temporary identification card, strip, or seal was originally issued continue to exist. The temporary identification card, strip, or seal shall be destroyed by the port director when the permanent approved identification card, strip, or seal is issued, or the privileges granted thereby are withdrawn.

(c) *Temporary employees and official visitors.* The provisions of this section shall also apply to temporary employees and official visitors requiring access to the Customs security area. In the case of temporary employees, the identification card, strip, or seal shall be valid for a period of 30 days. In the case of official visitors, the temporary identification card, strip, or seal shall be valid for the day of issuance only. Temporary employee and official visitor identification cards, strips, or seals are renewable for periods equal to their original period of validity.

(d) *Revocation of denial and access.* The temporary identification card, strip, or seal may be revoked and access to the Customs security area denied at any time if the holder of the temporary identification card, strip, or seal refuses or neglects to obey any proper order of a Customs officer, or any Customs order, rule, or regulation, or if, in the judgment of the port director, continuation of the privileges granted thereby would endanger the revenue or pose a threat to the Customs security area.

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Sec.

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