

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 31
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APRIL 27, 2009

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NUMBER 4

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Number: 2009-03
Subject: Declaration of a State of Disaster Emergency:
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Number: 2009-02
Subject: Declaration of a State of Disaster Emergency:
Commonwealth Utilities Corporation's Imminent Generation and Other
Failures and the Need to Provide Immediate Reliable Power During Repairs
Authority: Commonwealth Constitution Article III, Section 10 and 3 CMC §5121
Office of the Governor..... **029458**

Number: 2008-22
Subject: Declaration of a State of Disaster Emergency:
Commonwealth Utilities Corporation's Imminent Generation and Other
Failures and the Need to Provide Immediate Reliable Power During Repairs
Authority: Commonwealth Constitution Article III, Section 10 and 3 CMC §5121
Office of the Governor..... **029467**

Number: 2008-21
Subject: Declaration of a State of Disaster Emergency:
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Failures and the Need to Provide Immediate Reliable Power During Repairs
Authority: Commonwealth Constitution Article III, Section 10 and 3 CMC §5121
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PUBLIC NOTICE

Excluded Locations Under Immigration Regulations
Office of the Attorney General, Immigration Division..... **029480**



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

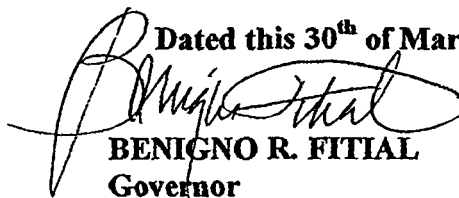
WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for a like term, and giving reasons for extending the emergency.

Dated this 30th of March 2009.


BENIGNO R. FITIAL
Governor

Cc: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803)
House Speaker (Fax: 664-8900)
Mayor of the Northern Islands (Fax: 664-2710)
Executive Assistant for Carolinian Affairs (Fax: 235-5088)
Attorney General (Fax: 664-2349)
Secretary Of Finance (Fax: 664-1115)
Commissioner of Public Safety (Fax: 664-9027)
Special Assistant for Management and Budget (Fax: 664-2272)
Special Assistant for Programs and Legislative Review (Fax: 664-2313)
Press Secretary (Fax: 664-2290)
United States Coast Guard (236-2968)



Department of Commerce

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REVISIONS TO THE FOREIGN INVESTMENT REGULATIONS RETIREE INVESTMENT REGULATIONS FOREIGN STUDENT REGULATIONS

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 31 Number 2 pp. 029224-251 et seq., of February 25, 2009

TITLE 20: DEPARTMENT OF COMMERCE

CHAPTER 30: COMMERCE RULES AND REGULATIONS

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands Department of Commerce **HEREBY ADOPTS AS PERMANENT** regulations the Proposed Regulations which were published in the Commonwealth Register at volume 31, Number 2, pp. 029224-251 et seq., of February 25, 2009, pursuant to the procedures of the Administrative Procedures Act, 1 CMC §9104(a). The Department of Commerce announced that it intended to adopt them as permanent, and now does so. A true copy is attached. I also certify by signature below that, as published, such adopted regulations are a true, complete, and correct copy of the referenced proposed regulations, and that they are being adopted without modification or amendment except as stated as follows.

Commerce Rules and Regulations: Title 20, Part 30, Subchapter 30.2

I certify by signature below that such adopted regulations are being adopted without modification from the prior publication.

Commerce Rules and Regulations: Title 20, Part 30, Subchapter 30.4

I certify by signature below that such adopted regulations are being adopted without modification from the prior publication.

Commerce Rules and Regulations: Title 20, Part 30, Subchapter 30.5

I certify by signature below that such adopted regulations are being adopted without modification or amendment except as follows, which changes are non-material:


1. Section 20-30.5-101 has been amended to specify that elementary school includes kindergarten.

1. Section 20-30.5-101 has been amended to specify that elementary school includes kindergarten.
2. Section 20-30.5-401 has been amended to allow the Secretary to accept the certification of a recognized United States regional or national certification authority.
3. Clarification has been added to the effect that the Division of Immigration retains authority to issue permits at entry to the Commonwealth and to deal with excludability and deportation.
4. Clarification has been added with respect to disabled children and the parents of adopted children using the same criteria as before, so the provisions are uniform.
5. Clarification has been added so that the legal status of each class of foreign students expires not later than thirty (30) days after the completion of the program or degree for which the foreign student entered the Commonwealth, so the provisions are uniform.
6. Provisions with respect to credentials have been conformed so the provisions are uniform.
7. Certain limited punctuation and paragraphing changes have been made for conformity of style without changing any wording and a conforming change was made to a citation without changing the meaning.

These specified changes are not material because they only clarify, pursuant to public comments, the proposed regulations.

PRIOR PUBLICATION: The prior publication was as stated above.

FINAL PUBLICATION: I request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Secretary of Commerce is authorized by the Legislature to adopt rules and regulations regarding those matters over which the Department of Commerce has jurisdiction. 

1 CMC § 2454.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC §9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. The agency has responded to all written and oral submissions with a concise statement of the principal reasons for and against its adoption incorporating therein its reasons for overruling the considerations urged against its adoption. The concise statement is as follows: Each of the recommendations made in the written and oral submissions to the agency has been adopted. These suggestions were to amend Section 20-30.5-101 to specify that elementary school includes kindergarten; and to amend Section 20-30.5-401 to allow the Secretary to accept the certification of a recognized United States regional or national

ATTORNEY GENERAL APPROVAL for modified regulations. The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to CMC §2153(e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency, or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of April, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



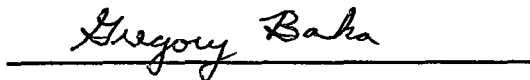
Michael J. Ada
Secretary of Commerce

4/14/09

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and ⁰
1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 16 day of April, 2009



GREGORY BAKA
Acting Attorney General

Filed and
Recorded by:



ESTHER SAN NICOLAS
Commonwealth Register

4.27.09

Date

N.M.I. ADMINISTRATIVE CODE
TITLE 20: DEPARTMENT OF COMMERCE
CHAPTER 30: COMMERCE RULES AND REGULATIONS

SUBCHAPTER 30.2: FOREIGN INVESTMENT REGULATIONS

PART 001 General Provisions

§20-30.2-005 Definitions

§20-30.2-005(a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;

§20-30.2-005(l) "Immediate relative" means a legally recognized spouse; a child under the age of twenty-one (21) years, either natural or adopted before the child's eighteenth birthday; a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday; a disabled dependent child of any age, whether natural or adopted before the child's eighteenth birthday; and a parent, including an adoptive parent if the adoption took place before the child's eighteenth birthday;

PART 100 Foreign Investment

§20-30.2-105 Transfer of authority

The responsibilities for the processing, approval, issuance, and renewal of regular term business certificates and authorizing entry permits under §5-40.3-240(a) of the Immigration Rules and Regulations, long term business certificates and authorizing entry permits under § 5-40.3-240(n) of the Immigration Rules and Regulations, foreign investor certificates and authorizing entry permits under § 5-40.3-240(g) of the Immigration Rules and Regulations, and retiree investor certificates and authorizing entry permits under § 5-40.3-240(o) and the authority for extensions and renewals of these authorizations for entry permits and the annual registration of these classes of aliens have been transferred to the Department of Commerce. Issuance of entry permits and matters of excludability and deportation remain the responsibility of the Director of Immigration.

§20-30.2-110 Certification and authorization for entry

The Secretary or his or her designee shall provide to the Director of Immigration an authorization for entry, certifying that an alien has met the requirements for a commerce certificate, before an entry permit is processed by the Division of Immigration. The certification by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No entry permit shall be issued by the Director of Immigration without an authorization for entry from the Secretary.

PART 300 Other foreign investment and fees

§20-30.2-305 Fee schedule

Fees shall be paid by check or money order made out to the Commonwealth Treasurer. All fees collected under this section shall be deposited with the Commonwealth Treasury and are non-refundable.

- (a) Regular term business certificate \$200
- (b) Long term business certificate \$1,000
- (c) Foreign investment certificate \$10,000
- (d) Immediate relative certificate \$2,500
- (e) Annual registration \$100
- (f) Penalty for violation of this subchapter \$100 per day the violation is not resolved and \$100 per violation

§20-30.2-310 Annual registration

Each holder of a long term business entry permit, a foreign investor entry permit, or a permit issued to an immediate relative of a long term business permit holder or a foreign investor permit holder must register annually with the Department, provide a current address and contact information, and reaffirm the accuracy of the representations made to the Department upon which the entry permit was authorized by the Department.

§20-30.2-315 Renewals

Applications for renewals of long term business entry permits, foreign investor permits, and immediate relative permits shall be made to the Secretary and shall be reviewed under the same standards as applications for initial commerce certificates.

SUBCHAPTER 30.4: RETIREE INVESTMENT

PART 001 General Provisions

PART 100 Eligibility of Retirees

PART 200 Eligibility of Immediate Relatives of Retirees

PART 300 Other provisions

PART 001 General Provisions

§20-30.4-005 Definitions

For the purposes of this subchapter, the following definitions shall apply:

- (a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;

(b) "Immediate relative" means a legally recognized spouse; a child under the age of twenty-one (21) years, either natural or adopted before the child's eighteenth birthday; a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday; a disabled dependent child of any age, whether natural or adopted before the child's eighteenth birthday; and a parent, including an adoptive parent if the adoption took place before the child's eighteenth birthday;

(c) "Residential dwelling investment" means a minimum investment of \$100,000 for Saipan and \$75,000 for Rota and Tinian in a dwelling place to be occupied by a retiree investor and his or her immediate relatives.

(d) "Retiree investor" means an alien who is 55 years of age or older and who has made or within 90 days will have made a residential dwelling investment in the Commonwealth.

PART 100 Eligibility of Retirees

§20-30.4-101 Applications

- (a) The immigration class for retiree investors is 240(o). See regulations issued by the Division of Immigration, §5-40.3-240(o).
- (b) Applications for entry permits shall be made on forms provided by the Secretary and signed by the applicant. Information on and supporting documentation for an application is submitted under penalty of perjury.
- (c) Applications shall be accompanied by the fee required under §20-30.4-310.
- (d) Applications for a two-year permit will be accepted, at the discretion of the Secretary, upon the Secretary's finding that a two-year permit is in the interests of the Commonwealth.
- (e) Applications shall not be accepted from aliens present in the Commonwealth whose presence is permitted solely because they have a pending labor, immigration or legal matter. However, once said matter is decided, settled, or dismissed, the alien may apply for an entry permit, renewal or change of status if the alien prevailed in the matter.

§20-30.4-105 Qualified retiree

An alien applying for a retiree entry permit is qualified if the following requirements are met:

- (a) The retiree shall provide the biographical information required by the Secretary. A form is provided for this purpose by the Department.

- (b) The retiree is age 55 years or older at the time the retiree enters the Commonwealth under a Retiree Investor Entry Permit. The retiree shall provide a copy of a birth certificate or other documentation as to age acceptable to the Secretary.
- (c) The retiree shall provide documentation as required by the Secretary including a copy of a valid passport, a color photo, and, a police clearance reflecting the applicant's criminal record.
- (d) The retiree shall provide documentation satisfactory to the Secretary demonstrating that a residential dwelling investment has been made or will be made within 90 days of the date of grant of the application.
- (e) The retiree shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the retiree while resident in the Commonwealth.

§20-30.4-110 Certification and authorization for entry

The Secretary or his or her designee shall provide to the Director of Immigration an authorization for entry, certifying that an alien has met the requirements for a retiree investment certificate, before an entry permit is processed by the Division of Immigration. The certification by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No entry permit shall be issued by the Director of Immigration without an authorization for entry from the Secretary. The Division of Immigration retains authority to issue permits at entry to the Commonwealth and to deal with excludability and deportation.

§20-30.4-115 Term

The certification and entry permit for a qualified retiree investor shall have a term that is co-extensive with the continuing qualification of the retiree investor.

PART 200 Eligibility of Immediate Relatives of Retirees

§20-30.4-201 Credentials of immediate relatives of retiree investor

- (a) A parent or step-parent of a retiree investor shall produce birth certificates or adoption certifications to demonstrate the relationship.
- (b) A spouse to whom a retiree investor is legally married shall produce marriage certificates or records to demonstrate the relationship.

- (c) A child who is the natural or adopted son or daughter of a retiree investor shall produce a birth certificate or adoption record to demonstrate the relationship and a medical certification if a disability is claimed.

§20-30.4-205 Financial support

The retiree or the immediate relative shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the immediate relative while resident in the Commonwealth.

§20-30.4-206 Certificate

An immediate relative of the holder of a Retiree Investor Entry Permit may be issued an immediate relative certificate and authorization for an entry permit for the same duration as the holder of the Retiree Entry Permit, provided that the immediate relative is not an excludable alien.

PART 300 Other Provisions

§20-30.4-301 Employment

The holder of a Retiree Investor Entry Permit or an immediate relative may not be employed.

§20-30.4-305 Annual registration

Each holder of a Retiree Investor Permit or an immediate relative of a Retiree Investor Permit shall register annually with the Department.

§20-30.4-310 Fees

Fees shall be paid by check or money order made out to the Commonwealth Treasurer. All fees collected under this section shall be deposited with the Commonwealth Treasury and are non-refundable.

- | | |
|------------------------------------|-----------|
| (a) Retiree Investor Certificate | \$1000.00 |
| (b) Immediate Relative Certificate | \$ 500.00 |
| (c) Annual registration | \$ 100.00 |

SUBCHAPTER 30.5: FOREIGN STUDENTS

PART 001 General Provisions

PART 100 Eligibility of Students

PART 200 Eligibility of Immediate Relatives of Students

PART 300 Issuance and Revocation of Permits

PART 400 Eligibility of Educational Institutions

PART 500 Appeals

PART 001 General Provisions

Section 20-30.5-001 Purpose

Section 20-30.5-005 Definitions

Section 20-30.5-010 Service of Process

Section 20-30.5- 015 Fees

§20-30.5-001 Purpose

- (a) Replacement. The regulations in this subchapter shall replace in their entirety those immigration regulations with respect to foreign students previously adopted. The Division of Immigration retains authority to issue permits at entry to the Commonwealth and to deal with excludability and deportation.
- (b) Separation of functions. These regulations shall separate the functions relating to the entry and exit of foreign students from other immigration functions. The Division of Immigration retains authority to issue permits at entry to the Commonwealth and to deal with excludability and deportation.
- (c) Implementation of Immigration Regulations as Applied to Foreign Students.
 - (1) These regulations implement the regulation issued by the Division of Immigration, §5-40.3-240(h), pertaining to foreign students, which provides as follows:

An alien who presents a certificate of admission to an educational institution or school established by Commonwealth law or licensed to operate by the Department of Commerce and who meets the other applicable immigration requirements in these regulations may be issued a Foreign Student Entry Permit. An alien who is a holder of this class of entry permit may enter and remain in the Commonwealth as long as the alien is qualified to study and is a full-time student in the Commonwealth, and the educational institution or school remains qualified under Commonwealth law or a certification issued by the Department of Commerce.

This class of entry permit does not include enrollees or students in . . . preschool programs.

A holder of this class of entry permit may not work or be employed in the Commonwealth except for participation in an on-campus work-study program intended to defray the cost of tuition or living expenses; work for a licensed business not more than 10 hours a week in the student's field of study; or participation in paid activities constituting academic research or training in the student's field of study.

- (2) These regulations also implement §5-40.3-255 of the regulations issued by the Division of Immigration which provides as follows:

The annual registration for foreign students (entry permit class 240 (h)) . . . is the responsibility of the Department of Commerce.

- (3) These regulations also implement § 5-40.3-260 of the regulations issued by the Division of Immigration which provides as follows:

Entry permits may be renewed or extended only pursuant to the provisions of these regulations. . . . [R]enewals or extensions for foreign students . . . are the responsibility of the Department of Commerce. A one-time extension of up to six months may be made available for persons holding valid permits who are eligible for a two-year permit upon payment of the entry permit fee and qualification pursuant to these regulations.

§20-30.5-005 Definitions

For the purposes of this subchapter, the following definitions shall apply:

- (a) “Alien” means a person who is not a citizen or national or permanent resident (green card holder) of the United States;
- (b) “Class” means one of the nonimmigrant alien entry classes defined in the regulations issued by the Division of Immigration, §5-40.3-240, Entry Permit Classes;
- (c) “Commonwealth” means the Commonwealth of the Northern Mariana Islands;
- (d) “Department” means the Department of Commerce of the Commonwealth of the Northern Mariana Islands;
- (e) “Director of Immigration” means the Director of Immigration, who is the official in charge of the Division of Immigration, and who is responsible to the Attorney General;
- (f) “Division of Immigration” means the Division of Immigration which is responsible for all Commonwealth immigration functions, including all entry and exit of vessels and aircraft and all entry, exit, repatriation, and deportation of persons;
- (g) “Educational institution” means an academic or vocational school that has an established course of study leading to a degree or certificate of completion and includes the Northern Marianas College and other post-secondary schools, elementary and secondary schools, language schools, religious schools, vocational schools, sports schools, and professional training programs;
- (h) “Entry” means entry into the Commonwealth by air or by sea at an authorized port of entry;
- (i) “Entry permit” means documentation authorizing the entry into and the continued presence of a nonimmigrant alien in the Commonwealth. The entry permit is issued for purposes of providing entry to and exit from the Commonwealth for qualified persons, as long as the

person remains qualified under the particular requirements applicable to each class of entry permit as provided in the regulations issued by the Division of Immigration, Part 5-40.3-230;

- (j) "Exit" means exit from the Commonwealth by air or by sea;
- (k) "Foreign Student Entry Permit" means an entry permit issued by the Division of Immigration after certification by the Secretary of Commerce that the foreign student and the educational institution the foreign student intends to attend are qualified under these regulations;
- (l) "Immediate relative" means a legally recognized spouse; a child under the age of twenty-one (21) years, either natural or adopted before the child's eighteenth birthday; a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday; a disabled dependent child of any age, whether natural or adopted before the child's eighteenth birthday; and a parent, including an adoptive parent if the adoption took place before the child's eighteenth birthday;
- (m) "Nonimmigrant" means an alien who enters the Commonwealth pursuant to an entry permit issued by the Division of Immigration while having a domicile or citizenship or nationality in a foreign country that the alien has no intention of abandoning, so indicated by any response made by the alien in applying for entry to the Commonwealth or so indicated by the entry class of the permit issued by the Division of Immigration;
- (n) "Passport" means a travel document issued by the country of citizenship or nationality of a person that shows the bearer's origin, identity and nationality;
- (o) "Regulation" means a regulation promulgated by the Secretary of Commerce pursuant to law and in compliance with 1 CMC §9901 et seq.;
- (p) "Secretary" means the Secretary of Commerce of the Commonwealth of the Northern Mariana Islands.

§20-30.5-010 Service of process

- (a) Service on the Department. Service of process on or service of any notice to the Department or its officials or employees is effective only if made upon the Secretary by personal service or by U.S. mail addressed to the Secretary at the Department.
- (b) Service by the Department.
 - (1) Service on an educational institution: Service of process or service of any notice may be made by the Department by personal service on or service by U.S. mail addressed to the person who is the institution's agent for the service of process, the person who signed the application, or any of the officers, directors, or managers (including principals) of the institution.
 - (2) Service on an individual: Service of process or service of any notice may be made by the Department by personal service on or service by U.S. mail addressed to the individual. Service by U.S. mail may be addressed to the individual at the address in the files of the Department and is effective upon deposit in the U.S. mail.

- (3) **Service by publication:** Service of process or service of any notice may be made by the Department for any purpose, at the discretion of the Secretary, by publication of a suitable notice once in each of two successive weeks in an English-language newspaper of daily (weekday) general circulation in the Commonwealth and is effective upon first publication unless otherwise provided in the notice.

§20-30.5-015 Fees

Fees shall be paid by check or money order made out to the Commonwealth Treasurer. All fees collected under this section shall be deposited with the Commonwealth Treasury and are non-refundable.

(a) Application fee	\$250.00
(b) Renewal fee	\$100.00
(c) Annual registration fee	\$25.00
(d) Sponsor fee	\$100.00
(e) Certification fee	\$250.00
(f) Appeal fee	\$50.00

PART 100 Eligibility of Students

Section 20-30.5-101 Academic Students from Abroad

Section 20-30.5-105 Vocational Students from Abroad

Section 20-30.5-110 Minor Children of Aliens Legally in the Commonwealth

Section 20-30.5-115 Transfers

Section 20-30.5-120 Employment

§ 20-30.5-101 Academic students from abroad

(a) Applications for Foreign Student Entry Permit.

- (1) The immigration class for foreign students is 240(h). See regulations issued by the Division of Immigration, §5-40.3-240(h).
- (2) Applications for entry permits shall be made on forms provided by the Secretary and signed by the applicant. If the student is a minor under the age of eighteen (18) years, the application shall also be signed by the parent or legal guardian of the minor. Information on and supporting documentation for an application is submitted under penalty of perjury.

- (3) Applications shall be for full-time study by the applicant at a qualified educational institution within the Commonwealth. Applications shall be signed by a responsible official of the educational institution that has admitted the student, affirming the admission and intent to comply with all applicable regulations.
 - (4) Applications shall be accompanied by the fee required under §20-30.5-015(a).
 - (5) Applications shall be signed by the sponsor of the foreign student and shall be accompanied by the receipt for payment of the sponsor fee required under §20-30.5-015(d).
 - (6) Applications for a two-year permit will be accepted, at the discretion of the Secretary upon the Secretary's finding that a two-year permit is in the interests of the Commonwealth.
 - (7) Applications shall not be accepted from aliens present in the Commonwealth whose presence is permitted solely because they have a pending labor, immigration or legal matter. However, once said matter is decided, settled, or dismissed, the alien may apply for an entry permit, renewal or change of status if the alien prevailed in the matter.
 - (8) Immigration regulations with respect to exclusion apply to applicants for foreign student entry permits.
- (b) Qualified student. An alien applying for a foreign student entry permit is qualified if the following requirements are met:
- (1) The applicant shall provide the biographical information required by the Secretary. A form is provided for this purpose by the Department.
 - (2) The applicant may be of any age, but shall not be below the sufficient age to qualify for elementary school or kindergarten. Applications are not accepted for pre-kindergarten education. If the alien is under the age of eighteen (18) years, the applicant shall have a parent or legal guardian who resides in the Commonwealth. An alien parent who seeks to reside in the Commonwealth for this purpose is required to qualify for an Immediate Relative Entry Permit pursuant to §20-30.5-205 and remain in the Commonwealth while the alien student is in the Commonwealth.
 - (3) The applicant shall have academic qualifications sufficient for the type of program for which the student seeks to enroll in the Commonwealth. Transcripts, degrees, and other evidence of academic qualifications shall be submitted in support of the application and are subject to verification as required by the Secretary.

- (4) The applicant shall provide documentation as required by the Secretary including a copy of a valid passport, a color photo, an original or certified copy of a birth certificate, and, if the alien is over the age of eighteen (18), a police clearance reflecting the applicant's criminal record.
 - (5) The applicant shall provide proof that sufficient funds are or will be available from an identified and reliable financial source to defray educational, living, and medical expenses for the applicant during the period of anticipated study. Proof may be offered in the form of a letter from the person who will be responsible for supporting the applicant while in the Commonwealth stating the commitment to be financially responsible for the applicant, salary statements or bank statements showing financial ability to support the applicant, proof of student loans or grants, proof of medical insurance, or other information that establishes the necessary financial capability.
- (c) **Qualified Educational Institution.** An applicant for a foreign student entry permit shall have applied and been admitted to a qualified educational institution in the Commonwealth.
- (1) A qualified educational institution is one that has been licensed by the Secretary of Commerce or established by Commonwealth law and that meets the requirements of §20-30.5-401 of these regulations.
 - (2) An official of a qualified educational institution shall sign the application for a Foreign Student Entry Permit certifying admission to the institution, payment by the foreign student or suitable arrangements for payment of tuition and fees for the school year immediately following admission, and the capability and intention of the institution to comply with these regulations in connection with the foreign student's presence in the Commonwealth.
- (d) **Qualified Sponsor.** An applicant for a foreign student entry permit shall have a qualified sponsor who is an individual person who meets the applicable statutory and regulatory requirements. The qualified sponsor must sign the application for a Foreign Student Entry Permit.
- (1) A sponsor of a foreign student has obligations and responsibilities that continue throughout the time the foreign student is within the Commonwealth. A sponsor has responsibility for providing adequate living quarters, living expenses, medical care, tuition, and all other expenses for the foreign student. Each person seeking to sponsor a foreign student must maintain residence within the Commonwealth, provided however, this requirement does not apply to a sponsor who is out of the Commonwealth on orders from any branch of the military service of the United States or a National Guard of any State, or Reserve Unit, but who entered the service from the Commonwealth and who intends to return to the Commonwealth upon completion of the tour of duty. Sponsors residing outside the Commonwealth do not qualify.

- (2) A sponsor of a foreign student may be an official or affiliate of a qualified educational institution. In all cases, an individual person must be responsible for the well-being of the foreign student while in the Commonwealth, however the qualified educational institution's financial capability and student boarding arrangements may be offered in support of the sponsor's qualifications.
 - (3) A sponsor of a foreign student who is under the age of eighteen (18) years shall have the approval of the qualified educational institution in which the foreign student is enrolled. The approval of the qualified educational institution is a representation to the Secretary that the physical condition and financial capacity of the home in which the student is placed provides appropriate protection for the student and for the interests of the Commonwealth in the well-being of the student.
 - (4) The Secretary may refuse to allow a person to be a sponsor if that person fails to comply with Commonwealth immigration laws, has been convicted of a crime in the Commonwealth or elsewhere, sponsors a person who violates Commonwealth laws, or otherwise fails to meet and maintain the qualifications of a sponsor pursuant to law or these regulations. The burden is at all times on the sponsor to prove eligibility and qualifications to become or continue being a sponsor.
 - (5) The Secretary may refuse to allow a person to be a sponsor if that person has been barred from employing foreign national workers in the Commonwealth.
 - (6) The Secretary may refuse to allow a person who is not a parent of the applicant to act as a sponsor if that person fails to demonstrate sufficient income to ensure that all expenses of the applicant (together with any other aliens sponsored) will be paid and the applicant will not become a burden on the public services of the Commonwealth. To be eligible as a non-parent sponsor of an alien applying for a Foreign Student Entry Permit, the sponsor must demonstrate income over the immediately preceding four months at a rate that will provide a gross annual income of at least \$20,000.00 or the sponsor must demonstrate an average bank balance of \$3,000 for the immediately preceding three months. The Secretary may waive this income requirement in the interests of the Commonwealth.
 - (7) The Secretary may refuse to allow a parent to be a sponsor of a child who is an alien applying to be a foreign student if the parent-sponsor fails to demonstrate income over the immediately preceding four months at a rate that will provide a gross annual income totaling 40 hours per week for 52 weeks at the prevailing minimum wage. The Secretary may waive this income requirement in the interests of the Commonwealth.
- (e) Health certificate. An alien applying for a Foreign Student Entry Permit shall be in good health.
- (1) A foreign student entering the Commonwealth, or a person entering the Commonwealth as an immediate relative of a foreign student, shall have in his or her possession a certificate of freedom from communicable disease. This certificate shall have been executed not more than thirty (30) days prior to the date of entry into the Commonwealth

in a jurisdiction and by an authority on the approved list established pursuant to 3 CMC §4802.

- (2) The Secretary may require a foreign student admitted to the Commonwealth, or a person admitted to the Commonwealth as an immediate relative of a foreign student, to undergo a physical examination in the Commonwealth performed by any medical physician licensed to practice general medicine in the Commonwealth by the Commonwealth Medical Professional Licensing Board within ten (10) business days after entry into the Commonwealth. The cost of a physical examination shall be paid by the foreign student or immediate relative.
- (3) A person subject to physical examination pursuant to these regulations shall surrender his or her certificate of freedom from communicable disease to the examining physician or other designated person at the time of the examination. Within ten (10) business days after the examination, the examining physician shall transmit the certificate to the Secretary together with a finding as to whether there is any medical reason that the person should not be permitted to remain in the Commonwealth. This finding shall be based on the medical probability that any disease, whether or not communicable, or any disability or any other medical condition would result in significant danger to the health of the inhabitants of the Commonwealth or the need for prolonged medical care or treatment while in the Commonwealth.
- (4) Upon receiving notice that there is a medical reason that any foreign student or an immediate relative of a foreign student should not be permitted to remain in the Commonwealth, the Secretary shall notify the educational institution and the foreign student or immediate relative, and the affected person shall immediately surrender his or her entry permit to the Secretary for appropriate action. The Secretary shall transmit a copy of all relevant documents to the Commonwealth immigration authority, and the foreign student or immediate relative member shall be repatriated. Repatriation shall take place at the earliest date on which it is medically safe for the affected person to travel.
- (f) Other entry requirements. An alien seeking to enter the Commonwealth as a foreign student or an immediate relative must meet the basic entry requirements set out in the regulations issued by the Immigration Division, see NMI Administrative Code §5-40.3-200, including a valid passport, documentation if a minor child is traveling to the Commonwealth unaccompanied by a parent, a landing card, and examination by an immigration inspector upon entry.

§20-30.5-105 Vocational students from abroad

[RESERVED]

§20-30.5-110 Minor children of aliens legally in the Commonwealth

- (a) Status. An alien minor under the age of eighteen (18) who is the child of an alien parent residing legally in the Commonwealth as the holder of a permit under immigration classes

240(f) (diplomat), 240(g)(foreign investor), 240(k) (foreign worker), 240(l) (religious leader), 240(m) (missionary), 240(n) (long-term business person), 240(o) (retiree investor), 240(t) (FAS citizen), may be granted an entry permit as a foreign student.

- (b) **Medical insurance.** The alien parent who sponsors the alien minor must provide evidence of medical insurance for the alien minor or financial security acceptable to the Secretary sufficient to cover \$3,000 in medical expenses.
- (c) **Cash bond.** The alien parent who sponsors the alien minor must post a cash bond in the amount of \$750 with the Commonwealth Treasury. The Attorney General shall have the right to reimbursement from the cash bond for any expense incurred by the Commonwealth as a result of the presence of the minor alien or for the repatriation of the minor alien if necessary. Unless forfeited pursuant to these regulations, a cash bond shall expire upon satisfactory final departure of the alien minor or upon other regularization of the alien minor's immigration status. Any amounts outstanding shall be returned to the alien parent within thirty (30) days.
- (d) **Affidavit.** The alien parent who sponsors the alien minor must provide a sworn affidavit with respect to the living arrangements for the alien minor and the financial capability to meet the living costs, tuition, and other expenses of the alien minor.
- (e) **Term.** The Foreign Student Entry Permit granted to an alien minor who is the child of an alien parent lawfully in the Commonwealth shall be valid while the parent holds legal immigration status in the Commonwealth and for a period after the expiration of the parent's legal status not to exceed thirty (30) days after the completion of the program or degree for which the foreign student entered the Commonwealth.

§20-30.5-115 Transfers

- (a) **Transfer to a qualified educational institution.** A student attending a qualified educational institution under a Foreign Student Entry Permit may transfer to another qualified educational institution without exiting the Commonwealth by filing with the Secretary the documentation of admission.
- (b) **Transfer in the event of disqualification.** In the event that the certification of the educational institution to enroll foreign students is revoked by the Secretary, the holder of a Foreign Student Entry Permit shall have thirty (30) days to enroll in another qualified educational institution or otherwise regularize his or her immigration status to an appropriate classification.

§20-30.5-120 Employment

- (a) **General.** Nothing in these regulations shall authorize the holder of a Foreign Student Entry Permit to be employed in the Commonwealth except as provided in these regulations.
- (b) **Permitted employment.**

- (1) **Work study programs:** The holder of a Foreign Student Entry Permit may work in an on-campus work/study program sponsored and regulated by the educational institution attended by the student and intended to defray the cost of tuition or living expenses.
- (2) **Internships:** The holder of a Foreign Student Entry Permit may work in an internship program in the private sector in the student's field of study not more than 20 hours a week for not longer than one year unless an exemption from this requirement is approved by the Secretary. During an internship, the holder of a Foreign Student Entry Permit must maintain full-time student status.
- (3) **Academic research and training:** The holder of a Foreign Student Entry Permit may work in paid activities focused on academic research or training provided that the activity must be related to the student's primary field of education.
- (4) **Part-time employment:** The holder of a Foreign Student Entry permit may work part-time in the private sector not more than 10 hours a week in a job registered with the Department of Labor as a part-time job.

PART 200 Eligibility of Immediate Relatives of Foreign Students

Section 20-30.5-201 Credentials of immediate relatives of foreign students

Section 20-30.5-205 Entry permits for immediate relatives of foreign students

§20-30.5-201 Credentials of immediate relatives of foreign students

- (a) A parent or step-parent of a foreign student shall produce birth certificates or adoption certifications to demonstrate the relationship.
- (b) A spouse to whom a foreign student is legally married shall produce marriage certificates or records to demonstrate the relationship.
- (c) A child who is the natural or adopted son or daughter of a foreign student shall produce a birth certificate or adoption record to demonstrate the relationship and a medical certification if a disability is claimed.

§20-30.5-205 Entry permits for immediate relatives of foreign students

- (a) **Entry permit.** Immediate relatives of persons granted a Foreign Student Entry Permit may be granted an entry permit as an Immediate Relative of an Alien by the Director of Immigration upon the recommendation of the Secretary.
- (b) **Requirements.**

- (1) A parent who seeks entry as an immediate relative of a student must post a cash bond in the amount of twice the cost of return travel to the point of origin at the time of application. If the parent is the sponsor of the foreign student, the parent must meet the requirements set out in §20-30.5-101(d).
 - (2) A foreign student who seeks entry for a spouse or child must post a cash bond in the amount of twice the cost of return travel to the point of origin at the time of application, medical insurance or a substitute acceptable to the Secretary to ensure that the dependent of the foreign student does not become a burden on the Commonwealth, and proof that sufficient funds are available from an identified and reliable source to defray living expenses for the dependent during the term of the student's Foreign Student Entry Permit.
- (c) Term. The entry permit of the immediate relative shall remain valid only while the Foreign Student Entry Permit upon which the immediate relative's permit is based remains valid.

PART 300 Issuance and Revocation of Entry Permits

Section 20-30.5-301 Issuance of permits

Section 20-30.5-305 Extension and renewal of permits

Section 20-30.5-310 Denial of permits

Section 20-30.5-315 Revocation of permits

§20-30.5-301 Issuance of permits

- (a) Entry permit required. Every foreign student admitted to the Commonwealth for purposes of study at a qualified educational institution must have an entry permit issued by the Commonwealth immigration authority. The entry permit is issued when the Commonwealth immigration authority receives notification from the Secretary that a foreign student is qualified to study in the Commonwealth and other immigration requirements are satisfied. The entry permit is delivered to the foreign student after the student arrives in the Commonwealth when the student registers with the Department. The entry permit remains valid so long as the foreign student is engaged in study under an approved program at a qualified educational institution and registers annually with the Department.
- (b) Term. The term of an entry permit is one year. An entry permit may be issued for a two year term at the discretion of the Secretary and the payment of the required fee.

§20-30.5-305 Extension and renewal of permits

- (a) Extension and renewal of permits. Entry permits may be extended or renewed upon annual registration with the Department on or prior to the date of expiration of the entry permit so

long as the requirements with respect to the qualified student, qualified educational institution, and qualified sponsor continue to be met.

- (b) **Limitation.** The term of an extension or renewal may not exceed the length of time required to complete the degree or training program plus a reasonable time for participation in graduation ceremonies and arrangements for repatriation.

§20-30.5-310 Denial of application

- (a) **Written denial.** The denial of an application for a Foreign Student Entry Permit shall be in writing, shall state the grounds for the denial with specificity, and shall be signed by the Secretary. The denial shall be served on the applicant within 60 days of the date of receipt of the application. The denial shall be transmitted to the Director of Immigration.

- (b) **Grounds for denial.** The grounds for denial of an application are:

- (1) Failure to meet qualifications;
- (2) Failure to be admitted to a qualified educational institution;
- (3) Failure to provide a qualified sponsor;
- (4) A false statement made on an application or in supporting documentation;
- (5) The entry of the student is not in the interest of the Commonwealth.

- (c) **Notice of right to appeal.** Each denial of an application on grounds stated in subsection (b) shall contain a notice of the right to appeal to the Secretary and a reference to the section of these regulations governing appeals. Appeals of denial of entry permits for failure to meet the requirements of immigration regulations with respect to passport documentation, excludability, or other immigration requirements are made to the Director of Immigration and the Attorney General as prescribed in the immigration regulations.

§20-30.5-315 Revocation of permits

- (a) **Written revocation.** The revocation of a Foreign Student Entry Permit shall be in writing, shall state the grounds for revocation with specificity, and shall be signed by the Secretary. The revocation shall be served on the foreign student and shall become effective upon service. The revocation shall be transmitted to the Director of Immigration.

- (b) **Grounds for revocation.** The grounds for revocation of a Foreign Student Entry Permit are:

- (1) Any ground on which the application could have been denied;
- (2) Any material change in circumstances affecting the qualification of the foreign student, the student's sponsor, or the educational institution attended by the student;
- (3) Any false statement made to the Department or knowing violation of a requirement for foreign student status;
- (4) Conviction of a crime;
- (5) The sponsor is no longer qualified;

- (6) Failure to maintain status as a full-time student as that status is defined by the qualified educational institution for the program in which the foreign student is enrolled and approved by the Secretary at the time of the issuance of the entry permit;
 - (7) Employment not permitted by these regulations.
- (c) Notice of right to appeal. Each denial of an application shall contain a notice of the right to appeal and a reference to the section of these regulations governing appeals.

PART 400 Eligibility of Educational Institutions

Section 20-30.5-401 Issuance of certification

Section 20-30.5-305 Denial of certification

Section 20-30.5-310 Revocation of certification

Section 20-30.5-315 Record-keeping requirements

Section 20-30.5-320 Inspections

§20-30.5-401 Issuance of certification

- (a) Requirement of certification. Each educational institution that enrolls a student who is a holder of a Foreign Student Entry Permit must be certified by the Secretary before such enrollment. The Secretary may accept certification from any recognized regional or national certification authority in the United States. The certification reflects only the institution's authorization to accept foreign students who are present in the Commonwealth or seeking entry to the Commonwealth under a Foreign Student Entry Permit. The approval or denial of certification by the Secretary has no effect on the institution's accreditation by the Board of Regents or other academic or vocational accrediting authority.
- (b) Application for certification. Each educational institution seeking certification by the Secretary shall file a letter application that includes the following information:
 - (1) The name and address of the educational institution;
 - (2) The name and title of the person authorized to apply for certification;
 - (3) The number of years the educational institution has operated in the Commonwealth;
 - (4) The affiliations, if any that the educational institution has with educational entities in the Commonwealth, and any accreditation by accrediting authorities within the Commonwealth;
 - (5) The affiliations, if any, that the educational institution has with educational entities outside the Commonwealth, and any accreditations by accrediting authorities outside the Commonwealth;
 - (6) The total number of students enrolled in each of the past five years;
 - (7) The total number of faculty members and administrators employed in each of the past five years;

- (8) The curriculum or program of study offered by the institution and the degrees or certifications of completion awarded by the institution, attaching supporting documentation of catalogs, bulletins, websites or other announcements as to the curriculum or program of study offered;
 - (9) The size of the physical facilities occupied by the educational institution;
 - (10) The health facilities or capabilities provided by the institution for the protection of students;
 - (11) Copies of the advertising directed at students or parents during the past year;
 - (12) The institution's legal status as a corporation, LLC, partnership, or individual proprietorship attaching supporting documentation with respect to legal status such as articles of incorporation and business license;
 - (13) The institution's tax status as for-profit or non-profit;
 - (14) A copy of audited financial statements prepared by a U.S. Certified Public Accountant within the prior 12 months;
 - (15) The name and address of the person who is the institution's agent for the service of process.
- (c) **Foreign Student Education Oversight Panel.** Upon receipt of an application for certification as a qualified educational institution, the Secretary shall convene and chair an oversight panel comprised of at least one representative from each of the following: the Northern Marianas College, the Department of Commerce, the Saipan Chamber of Commerce, the Public School System, and the community at large. The oversight panel will advise the Secretary with respect to the issuance of a certification for the applying educational institution. The Secretary may waive the convening of an oversight panel if the educational institution is in good standing with a nationally recognized accrediting body. The Secretary may also convene an oversight panel for an annual review of each qualified educational institution to assure that the requirements for certification continue to be met or for a special review of a qualifying educational institution that loses its accreditation by a nationally recognized accrediting body.
- (d) **Statements made under penalty of perjury.** Statements made in an application for certification are representations to the Commonwealth government that are made under penalty of perjury.
- (e) **Issuance of certification.** The Secretary's certification will be evidenced by a document naming the educational institution. Certifications remain in effect until revoked by the Secretary.
- (f) **Conditional certification.** The Secretary may issue conditional certifications where it is in the interest of the Commonwealth to do so. Any conditions on certification must be evidenced on the certification document.
- (g) **Change of circumstance.** Any material change in any of the facts presented to the Secretary in the application for certification must be reported to the Secretary within 90 days of the occurrence of the change. Changes in enrollment must be reported annually in January of each year.

§20-30.5-405 Denial of certification

- (a) Denial in writing. The denial of a certification shall be in writing, shall state the grounds for revocation with specificity, and shall be signed by the Secretary. The denial shall be served on the educational institution and shall become effective upon service.
- (b) Grounds for denial of certification. The grounds for denial of certification are:
 - (1) Failure to meet the requirements for the qualification of the educational institution;
 - (2) A false statement made to the Department;
 - (3) False or materially misleading statements in advertising directed at students or parents.
- (c) Notice of right to appeal. Each denial of an application shall contain a notice of the right to appeal and a reference to the section of these regulations governing appeals.

§20-30.5-410 Revocation of certification

- (a) Revocation of certification. The Secretary may revoke the certification of an educational institution by written notice at any time, such revocation to become effective 30 days after service of the notice on the educational institution.
- (b) Grounds for revocation. The Secretary shall state each of the grounds for revocation of certification in the written notice issued with respect to the revocation. The grounds are:
 - (1) A false statement of a material fact made in any application or supplementary documentation provided to the Department;
 - (2) A change in circumstance with respect to any material qualification of the institution or a foreign student not reported to the Department in a timely manner;
 - (3) Unhealthful or unsafe conditions at the physical facilities used by the institution or other conditions substantially detrimental to the well-being of students enrolled at the institution;
 - (4) Failure to keep records as required;
 - (5) Failure to comply with a request for inspection;
 - (6) A false or misleading statement or representation in advertising;
 - (7) A material failure to comply with the Department's regulations;
 - (8) Change of ownership without prior approval of the Secretary;

- (9) Insolvency or lack of sufficient financial resources to support reasonable operations of the educational institution;
- (10) Cessation of the business.

§20-30.5-415 Record-keeping and reporting

(a) Records with respect to foreign students. The educational institution shall maintain the following records during a foreign student's enrollment and for at least two years after termination of the student's enrollment:

- (1) Photocopy of the foreign student's passport;
- (2) Photocopy of the foreign student's entry permit;
- (3) A current address and description of the place where the student physically resides;
- (4) Date of first enrollment as a student;
- (5) Degree program and field of study;
- (6) Academic status in each term while enrolled and credits or courses completed;
- (7) Payment of tuition and fees;
- (8) Date of termination of enrollment as a student.

(b) Availability. All records maintained by the educational institution with respect to any foreign student shall be made available to the Secretary upon request.

(c) Reporting. The educational institution shall report to the Department of Commerce as follows:

- (1) Report on completion: The institution shall report within 30 days when a foreign student who has been accepted by the institution has completed the course of study for which the student was accepted. The institution shall report, in each such case, whether the student will no longer be attending the institution.
- (2) Report on enrollment: The institution shall report at the beginning of each term or session whether each foreign student who has been accepted by the institution (and as to whom no report on completion has been submitted) is still enrolled and whether the student is enrolled as a full-time or part-time status.
- (3) Report on status: The institution shall report within 30 days when a foreign student who has been accepted by the institution and is still enrolled has failed to complete a program of study within the time typically required to complete that program, and the reason for any extension of time granted by the institution to complete the program.

§20-30.5-420 Inspections

The Secretary or a duly authorized agent may inspect the physical premises of the educational institution and its records at any time during normal business hours upon reasonable notice to the institution.

PART 500 Appeals

Section 20-30.5-501 Commencing an appeal

Section 20-30.5-505 Hearings on appeal

Section 20-30.5-510 Judicial review

§20-30.5-501 Commencing an appeal

- (a) Commencing an appeal. An appeal is commenced by filing a notice of appeal on the standard form provided by the Department and payment of the fee required in §20-30.5-015(f) of these regulations. A notice of appeal must be filed within fifteen (15) days of service of the decision on the party who is appealing.
- (b) Content of notice. The notice of appeal shall state the reasons for the appeal and shall be supported by a statement of facts and supporting documentation setting forth the grounds for contesting the decision.

§20-30.5-505 Hearings on appeal

- (a) Hearing officer. The Secretary shall appoint a hearing officer to decide the appeal and prepare an opinion. The hearing officer may decide the appeal on the written submissions of the appellant and the government which shall be made on a schedule prescribed by the hearing officer. The hearing officer may order a hearing on the record, however no hearing or oral argument on an appeal is required. The hearing officer shall notify the appellant of the time and place for any hearing on the appeal and shall not schedule the hearing with less than fifteen (15) days notice or change a hearing date with less than fifteen (15) days notice.
- (b) Proceedings. In a review on appeal, the hearing officer may restrict review to the existing record, supplement the record with new evidence, or hear the matter *de novo* pursuant to 1 CMC §§9109 and 9110. Upon completion of review, the hearing officer shall affirm, reverse, or modify the findings, decision, or order of the Department. The hearing officer's decision shall constitute final agency action for purposes of judicial review.

§20-30.5-510 Judicial review

Judicial review of a final agency action is authorized after exhaustion of all administrative remedies and shall be initiated within thirty (30) days of the final action. Judicial review shall be pursuant to 1 CMC §9112. Appeal from a final action by the agency shall be directly to the Commonwealth Superior Court.

**The Municipality of Saipan
Office of the Mayor of Saipan
Saipan Higher Education Financial Assistance (SHEFA)
P.O. Box 10001, PMB 3648
Saipan, MP 96950
E-Mail: contact@saipanshefa.com
Tel. (670) 233-5995; Fax: (670) 233-5996**

PUBLIC NOTICE OF
PROPOSED AMENDMENT TO RULES AND REGULATIONS FOR
THE SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAM
(SHEFA)

Intended Action to Adopt These Proposed Rules and Regulations: The Saipan Higher Education Financial Assistance (SHEFA) Board of Directors intends to adopt as permanent rules and regulations the attached Proposed Rules and Regulations, pursuant to the procedure of the Administrative Procedure Act, 1 CMC Section 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC Section 9105(b)).

Authority: The Board of Directors of the Saipan Higher Education Financial Assistance is empowered by the Saipan and Northern Islands Legislative Delegation (SNILD) to adopt rules and regulations for the administration and enforcement of Saipan Local Law (SLL) 13-21 in Section (5)(n) of the governing statute.

The Terms and Substance: The proposed rules and regulations deal with SHEFA's evolving loan program (re. in sections 8, 16, & 22); propose a new part-time enrollment financial assistance policy, including SHEFA's fulltime credit requirements for undergraduate, graduate and postgraduate status (re. in section twenty one); and provide clarification of SHEFA's performance-based scholarship (re. in section 18) and SHEFA's service credit policy (re. in section twenty). The proposed amendments to the existing rules and regulations are to be made effective in Fall 2009 academic term.

The Subjects and Issues Involved: The Saipan Higher Education Financial Assistance Board for the Saipan Higher Education Financial Assistance Program under the Office of the Mayor of Saipan hereby notifies the general public of its intention to adopt proposed amendments to the SHEFA Rules and Regulations by adding two (2) *new* sections to the existing rules and regulations governing the SHEFA program.

The proposed Section Twenty One and Section Twenty Two *ADD* two (2) new sections in the existing regulations to include guideline in implementing postsecondary part-time assistance to qualified SHEFA applicants in pursuit of a degree in U.S. accredited institution of higher education, technical and trade school and the SHEFA loan program respectively. Section eight of the loan program relates to the new section twenty two as well as section sixteen on the terms and conditions of the promissory note / memorandum of agreement.

The four other proposed amendments to the existing regulations are Section Eight (8), Subsections Three (3) and Four (4); Section Sixteen (16), Subsection Eight (8); Section Eighteen (18); and Section Twenty (20). Sections eight, sixteen and twenty-two all pertain to the SHEFA loan program.

The proposed amendment to the existing regulations in section eight deals with the loan program in conjunction with section sixteen on the terms and conditions of the MOA as they relate to the loan program, including the new section twenty-two.

Section eighteen, on the other hand, would clarify the intent in promulgating SHEFA's performance-based scholarship, which is to restrict any repeated course credit and / or remedial or below-level credit, grade or point from being factored into and counted in meeting the minimum credit and term grade point average requirements of SHEFA for performance-based scholarship. Moreover, in the event of any conflicting provision in the regulations heretofore, the specific provision in this section governing SHEFA's performance-based scholarship shall prevail.

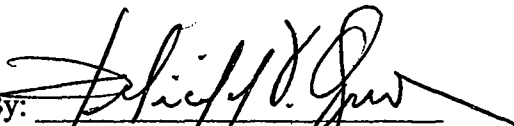
The proposed amendment to section sixteen is to provide options and alternatives in the provision of service creditable towards the terms and conditions stipulated in section sixteen and section twenty of the regulations, and in view of Public Law 16-15 providing for forbearance to recipients of SHEFA assistance. Like the applicable provisions section eighteen, in the event of any conflicting provisions with section sixteen in the regulations the heretofore, the specific provision in this section shall prevail.

Sections eight, sixteen, eighteen and twenty of the initial regulations were first published in the Commonwealth Register in Volume 26, Number 06 on June 24, 2004, and adopted pursuant to a Certification of Adoption published in the Commonwealth Register in 2004. The proposed sections twenty-one and twenty-two are new sections to be added to the existing rules and regulations and published for the first time. All proposed amendments to the existing rules and regulations are to be made effective for the Fall 2009 academic term.

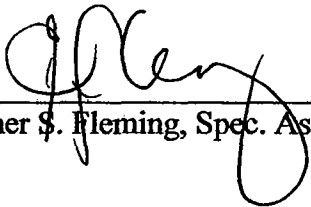
Direction for Filing and Publication: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC Section 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC Section 9104(a)(1))

To Provide Comments: Send or deliver your comments to Ms. Felicidad T., Ogomoro, Chairperson, Board of Directors of the Saipan Higher Education Financial Assistance Program, P.O. 10001, PMB 3648, Saipan MP 96950, telephone: (670) 233-5995 or by facsimile at (670) 233-5996 or at E-mail address: contact@saipanshefa.com .


The proposed rules and regulations referenced herein were approved by the SHEFA Board of Directors on February 5, 2009.

Submitted By: 
Felicidad T. Ogumoro
Chairwoman, SHEHA
Board of Directors

2/26/09
Date

Received by: 
Esther S. Fleming, Spec. Asst. for Admin.

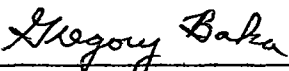
2/27/09
Date

Filed and Recorded by: 
Esther M. San Nicolas
Commonwealth Registrar

04.27.09
Date

Pursuant to 1 CMC Section 2153 (e) and 1 CMC Section 9104(a)(3), the proposed rules and regulations for the Saipan Higher Education Financial Assistance Program, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. (1 CMC Section 2153(f)).

Dated this 16 day of ^{April}~~February~~, 2009,


Gregory Baka
Acting Attorney General

AMENDMENT TO THE SHEFA REGULATIONS

Section Eighteen of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined and deleted text with strike-outs.)

SECTION EIGHT, SUBSECTIONS 3 & 4

Types of Financial Assistance

3. *Student Loan* is a revolving type of financial assistance that may be offered upon availability of funds. A SHEFA loan is subject to specific repayment terms and conditions upon the completion, non-enrollment or termination of studies of the recipient. SHEFA loan is divided into three components, the availability of which is determined by the SHEFA board and / or by participating financial or lending institution(s) accredited by the SHEFA board to engage in SHEFA loan assistance. One type of loan is based on financial need of eligible and qualified applicant on- criteria established. Loan on demand or demand loan is another type of loan subject to first-in, first-out rule determined based on- at the time of submission, receipt and acceptance of application to SHEFA. The third and final type of assistance under this loan program is referred to as merit loan. A merit loan is intended strictly to enable a qualified resident from Saipan enrolled on the last term (i.e., semester or quarter) of a degree program in any accredited U.S. institutions of higher education to “challenge” up to two three (3) courses on-campus for in order to: (a) to- accelerate degree / program completion, or (b) to fulfill a graduation requirement. These challenges must be taken on campus only, unless otherwise authorized and approved first in writing by SHEFA. SHEFA loan assistance is open to part-time and fulltime undergraduate, graduate and postgraduate applicant as defined in the regulations, except that the initial cumulative grade point average requirement for any loan applicant is 2.0. However, continuing eligibility for SHEFA loan after the first semester or quarter following the initial loan award requires the loan recipient to maintain or exceed SHEFA’s minimum cumulative grade point average of 2.5 on a scale of 4.0. If a loan recipient does not remain on or return to Saipan to provide services in the private or public sector after completion, non-enrollment or termination of his/her studies, he/she must repay the SHEFA fund plus interest in accordance with the terms and conditions of the attached Promissory Note / Memorandum of Agreement.

4. ~~All- Any recipient of SHEFA student loan financial assistance made available to a SHEFA recipient student from Saipan in pursuit of post-secondary education at any U.S. accredited institution of higher education has a legal obligation and responsibility of paying back repayment twenty-five percent (25%) of the total amount received and a minimum of three (3) years service in either the private or public sector on Saipan on all loan amount received while in school. ninety (90) days following the completion, non-enrollment, or termination of studies. Other terms and conditions of SHEFA loan shall be provided in the terms and conditions of a promissory note/ memorandum of agreement as incorporated in the regulations. However, for purposes of entering into a promissory note / memorandum of agreement with SHEFA and the recipient for all other financial assistance except SHEFA loan, the recipient will- shall be deemed and classified as a debtor of SHEFA fund unless all conditions, requirements and stipulations of the note and SHEFA rules and regulations are abide by at all times during the term or life of the~~

agreement, and after completion of his/her studies, or non-enrollment from school or termination from the institution of record. If the recipient does not remain on or return to Saipan to provide services in the private or public sector after completion, non-enrollment or termination of his/her studies, he/she must repay the SHEFA fund plus interest in accordance with the terms and conditions of the attached Promissory Note / Memorandum of Agreement. Other provisions of the SHEFA loan assistance is referenced in Section Twenty Two of the regulations.

Section Eighteen of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined and deleted text with strike-outs.)

SECTION SIXTEEN, SUBSECTION 8

8. The Debtor shall agree to remain on or return to Saipan within three (3) months after the completion of his/her degree plan or termination of studies or non-enrollment from the institution of record, and provide services by working on Saipan for any employer—whether in the private or public sector or both. The Debtor further agrees to perform services in the private or public sector or both on Saipan for a period equal to the period for which the Debtor received financial assistance under Section 8(1)(2) of these rules and regulations from the Lender. The Debtor agrees to pay back ~~twenty-five (25%)~~ of the total amount of loan received under Section 8(3) of these rules and regulations and a ~~minimum of three (3) years service to either in the private or public sector or both on Saipan.~~ ninety (90) days following the completion, non-enrollment, or termination of studies. Other terms and conditions of SHEFA loan may be provided in the lender of record agreement. In the event of conflicting terms and conditions between SHEFA and the lender of record, the terms and conditions in the regulations shall prevail. and a ~~minimum of three (3) years service to either in the private or public sector or both on Saipan~~ If the recipient of SHEFA financial assistance does not remain on or return back to Saipan after completion of his/her studies, or non-enrollment from school or termination from the institution of record, he / she must repay the entire debt back on all SHEFA funds received under Section 8 (1) (2) (3) of these rules and regulations with interest in accordance with this Promissory Note / Memorandum of Agreement. Other provisions of the SHEFA loan assistance is referenced in Section Twenty Two of the regulations.

Section Eighteen of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined and deleted text with strike-outs.)

SECTION EIGHTEEN

Miscellaneous: Any recipient of SHEFA financial assistance who withdraws or drops out of any class or on less-than-fulltime status must immediately notify the SHEFA board in writing, as a change in status may affect future financial assistance. Failure to inform the SHEFA board may be deemed as a material breach of the SHEFA rules and regulations, and more specifically section thirteen (13) of the rules and regulations. A change in a field of study must be immediately reported in writing to the SHEFA board with reasons for the change, especially for SHEFA recipients having a declared major in the SHEFA

priority field of study and / or admitted by the institution of record into the program field of study. Under no circumstances will any applicant or recipient of SHEFA funds be authorized to satisfy any fulltime status and G.P.A. requirements of SHEFA with any remedial course, except on account of a requirement by the institution of record based on a placement test. This exception on non-acceptance of remedial courses is limited to one (1) academic year for incoming freshmen only for English and Math, and applies only to eligibility for grant-in-aid, priority field of study, and loan. Under no circumstances, however, will any repeated course credit and / or remedial or below-level credit, grade or point be factored into and counted in meeting the minimum credit and term grade point average requirements of SHEFA for Any recipient of performance-based scholarship assistance is not authorized, unless to take any remedial or repeated course (s) at all. Use of SHEFA financial assistance is strictly for on-campus study requiring student residency. In the event of any conflicting provision in the regulations, the provision of this section governing SHEFA's performance-based scholarship shall prevail.

Section Eighteen of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined and deleted text with strike-outs.)

SECTION TWENTY

~~Welcome HOME Service Credit: Your Expected Return to Saipan:~~ Within three (3) months of ~~a successful completion~~ matriculation or thirty (30) days of termination or non-enrollment from the institution of record, whichever event occurs first, the recipient of financial assistance from the SHEFA fund is required to remain on or return to Saipan for employment and / or to provide and perform services in the private or public sector, in recognition of the need for educated citizenry and workforce on Saipan. In the alternative, and notwithstanding the applicable provisions in section sixteen and section twenty of the regulations, any recipient may elect to provide and perform services for hire or without remuneration (i.e., volunteer service) in the private and / or the public sector, which directly benefits the residents and the community of Saipan while the recipient pursues higher education on Saipan or abroad. For example, the recipient may perform services during Christmas or summer vacations. The area(s) of priority qualified for service credit is subject to the determination by the SHEFA Board of Directors in a form of a directive signed by the chairperson of the board that include, but not limited to, the priority field of study enumerated in section eight of the regulations.

A New Section Twenty One of the SHEFA Rules and Regulations is hereby added to read as follows: (Amended text is underlined.)

SECTION TWENTY ONE

Part-Time Enrollment

Definition. A part-time applicant is any new or on-going SHEFA applicant who is formally classified by and admitted to a U.S. accredited institution of record on

part-time status seeking a college degree and completes no fewer than the minimum threshold of six (6) credits and below 12 credit hours per term during SHEFA's application cycle for an undergraduate degree, and six (6) and below nine (9) credits for graduate and post graduate degree.

Credit Requirement. A part-time recipient is required to complete no fewer than six (6) credits during SHEFA's application and award cycle in the Fall or Spring term. This applies to undergraduate, graduate and postgraduate status. No part-time recipient is allowed to apply more than nine (9) credits of non-degree courses which are required for graduation.

Full-Time Employment Priority. A priority for part-time assistance would require proof of fulltime employment on Saipan or abroad, or in the alternative, provide a certification of registry at the CNMI Department of Labor or abroad for priority consideration by SHEFA

Duration of Assistance. A part-time applicant may be allowed up to three (3) years or (6) semesters or 9 quarters) to complete each level of degree, whichever is less (AA=3 ; BA =6 years)

Non-Repeat / Below-Level Course. No repeated and below-level course(s) will count in satisfying the minimum credit requirement for part-time assistance for undergraduate, graduate or postgraduate status.

Use of Funds. Part-time assistance is available only for *on-island* undergraduate higher education to defray higher education related expenses based on a submission of receipt to SHEFA.

Priority for Assistance. A part-time applicant is eligible only for grant assistance equal to tuition cost and books or a flat amount of \$800, whichever is less.

Grade Point Average (GPA): Initial Entry & Subsequent GPA. The initial entry level cumulative grade point average (GPA) for part-time undergraduate applicant is 2.0, and immediately thereafter attain a minimum cumulative grade point average of 2.5 within two (2) terms (semester / quarter system). For graduate and postgraduate, a cumulative grade point average of 3.0 is required.

Term & Condition. Actual award for part-time applicant is contingent on availability of funds after disbursement for fulltime degree-seeking applicants are awarded, of which 50% of an award may be disbursed at the beginning of the award cycle in the Fall or Spring and the remaining 50% to be reimbursed upon submission of an official transcript, or the applicant may elect for a 100% reimbursement upon submission of official transcript. The application deadline and required support documents for part-time application deadline for Fall term is September 30th and February 28th for Spring term. SHEFA only considers application during the Fall and Spring term of the academic year.

Severability Clause. Notwithstanding any provisions in the rules and regulations to the contrary, including the terms and conditions of SHEFA's promissory note / memorandum of agreement (MOA), the provisions in this section shall govern and prevail in the event of conflict.

A New Section Twenty Two of the SHEFA Rules and Regulations is hereby added to read as follows: (Amended text is underlined.)

SECTION TWENTY TWO

SHEFA Loan Assistance

Definition. SHEFA loan is defined in Section 8, Subsection 3 and governed by applicable provisions in Section 8, Subsection 4 and Section 16, Subsection 8 of the SHEFA regulations.

Loan Conditions and Credit for Service.

- a) An amount equal to ten percent (10%) of the principal amount of loan may be forgiven for each year the recipient works or performs services on Saipan, up to a maximum of ninety percent (90%) of the total loan amount for a recipient completing a degree and certification in SHEFA's priority field of study, and up to fifty percent (50%) for all other fields of study as determined by the SHEFA board for service credit.
- b) Loans may not exceed \$40,000 for undergraduate, graduate and postgraduate degree-seeking applicant respectively.
- c) Repayment of loans shall not exceed six (6) years, including interest charged at the prevailing interest rate.
- d) Any loan recipient who fails to remain on or return to Saipan and perform services ninety (90) days after completion of degree program, or upon dropping out or termination of studies, is required to repay the full amount of the loan with interest within six (6) years, and prorated on a monthly basis to begin three months from completion, non-enrollment, or termination of studies. A recipient may request for a waiver to the loan condition upon returning back to school within ninety (90) days of termination or non-enrollment.
- e) Any loan recipient who serves on active duty in the U.S. Armed Forces while in school or upon completion, non-enrollment or termination of studies may request for a postponement of repayment or service provisions until such time the recipient returns to Saipan, but in no case longer than six (6) years, provided the recipient applies for deferment under this section within ninety (90) days of entering the Armed Forces and continues to maintain Saipan as his/her place of residence (e.g., Saipan voter).

- f) A loan recipient who completes his/her degree program and remain or return to Saipan and is unable to obtain gainful employment, including self-employment on Saipan, may be granted up to six (6) additional months to begin loan repayment.

Loan Program Funding Mechanism. SHEFA loan is to be funded through annual and continuing appropriations targeted solely to initially capitalize and provide continuing funding for the loan program. In addition, the SHEFA board may allow the use of unexpended funds at the end of each fiscal year to fund the loan program. Funds may be transferred to participating eligible lending institutions based on the amount of loans which the bank or other lending institutions has lent to qualified SHEFA applicant. Any funds so transferred shall be placed in an interest bearing Trust Account. The trust account may be a managed fund account used by the bank or lending institution. Fund proceeds shall be used to offset the cost of loans and deferred interest.

Participating Lending Institution.

- a) Eligibility to participate in SHEFA's loan program requires that a financial institution be legally licensed to do business on Saipan and be insured by the Federal Deposit Insurance Corporation.
- b) Every participating lending institution or bank shall be required to submit a report of the status of loans made to include the SHEFA board, Secretary of Finance, the Mayor of Saipan, and the chairperson of the Saipan and Northern Islands Legislative Delegation. The report shall include, but not limited to, information and data on the number of loan approved and disapproved (with reasons for disapproval), recipient and amount, loan status, cumulative interest costs incurred in subsidized and deferred interest costs, amount incurred on service credit for each recipient, and status of the Trust fund with the bank or lending institution.

**I Munisipát Saipan
Ofisinan Mayot Saipan
Inasisten Fainansiát Gi Latakhilo' Na Edukasion Saipan
P.O. Box 10001, PMB 3648
Saipan, M.P. 96950**

**E-Mail: contact@saipanshefa.com
Tel. (670) 233-5995; Fax: (670) 233-5996**

**NOTISIAN PUPBLIKU
POT I MANMAPROPONE NA AMENDASION PARA I AREKLAMENTO
YAN REGULASION SIHA PARA I PROGRAMAN INASISTEN FAINANSIÁT
GI LATAKHILO' NA EDUKASION SAIPAN
(SHEFA)**

**MA'INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTE I
MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:** I Programan Inasisten Fainansiát Gi Latakhilo' Na Edukasion Saipan(SHEFA) Kuetpon Direktot siha ma'intensiona para u ma'adápata komu petmaniente na areklamento yan regulasion siha ni mañechetton gi Manmapropone na Areklamento yan Regulasion siha, sigun gi manera gi Ákton Administrative Procedure, 1CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu dies(10) diha na tiempo despues di adáptasion-ña yan publikasion gi halom i Rehistran Commonwealth. (1CMC § 9105(b)).

ÁTURIDÁT: I Kuetpon Direktot siha gi Inasisten Fainansiát Gi Latakhilo' Na Edukasion maná'i pudet nui Delegasion Lehislaturan Saipan yan Sankattan na Isla siha (SNILD) para u ma'adápata i areklamento yan regulasion siha para i atministrasion yan maná'i fuetsa i Saipan Local Law(SLL) 13-21 gi § (5)(n) ni ginibebetna ni estatua.

I SUSTANSIAN I PALÁBRA SIHA: I manmapropone na areklamento yan regulasion siha sumisiha yan i programan SHEFA's evolving na programan mandebi gi § 8, § 16, & § 22; i nuebu na inasisten fainansiát ni i part-time enrollment na areklo, sásãoão i SHEFA's fulltime credit na dinimánda siha para i undergraduate, graduate yan postgraduate na estão gi § 21; SHEFA's performance-based scholarship gi seksiona18; yan SHEFA's service credit policy gi § 20. I manmapropone na amendasion siha para i a'anok i areklamento yan regulasion siha ni mana'efektibu gi Fall 2009 academic term.

I SUHETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: Este na areklamento yan regulasion siha:

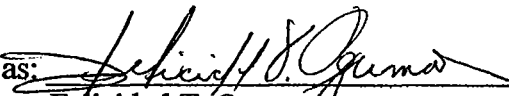
1. Implementa i postsecondary part-time inasiste para u kuálifikáo SHEFA i aplikánte siha pinetsigi i degree gi U. S. accredited na institusion siha gi latakhilo' na edukasion yan postsecondary technical yan eskuelan trade siha;
2. Pribeniyi giniha siha gi implementasion i SHEFA na prográman mandebi;
3. Kláru i intension i SHEFA's performance-based scholarship; yan
4. Pribeniyi inayek siha yan tinahgue siha gi probension setbisio creditable para i tema siha yan kondision siha gi kontráta gi § 16 yan 20 gi regulasion siha, yan i inatan Lai Puplicu 16-15 prinebibiya para i forbearance gi manrिसisibi siha ni inasisten SHEFA. Kulang i aplikáble na probension siha § 18, yanggen siakásu na gumuaha conflicting gi probension siha yan § 16 gi halom i regulasion siha estague', i espesifiko na probension gi § 16 yan § 18 debi na u efektibu.

I maproponen § 21 yan 22 mannuebu gi seksiona siha ni para u fanmanadanña' guatu yan i eksiste na areklamento yan regulasion siha yan u mapublica para primet biáhi. Todu i manmapropone na amendasion siha gi eksiste na areklamento yan regulasion siha debi na u mana' efektibu gi Fall 2009 academic term.

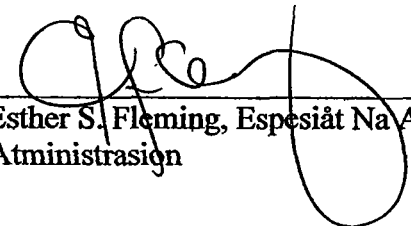
DIREKSION PARA U MAPO'LO YAN MAPUBLICA: Este siha i Manmapropone na Areklamento yan Regulasion siha debi na u mapublica gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adápata na regulasion siha (1CMC § 9102(a)(1) yan u mapega gi kombiniente na lugát siha gi halom i civic center yan gi ofisinan gobietnamento siha gi halom Munisipát Saipan, todu gi fino English yan gi lengguáhen natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na hãnãogue osino entrega i opiñon-mu para si Señora Felicidad T. Ogomoro, Katbiseyu, Kuetpon Direktot siha gi Prográman Inasisten Fainansiát gi Latakhilo' na Edukasion Saipan gi sanhilo' na address, pat gi facsimile gi (670) 233-5996 pat e-mail address, contact@saipanshefa.com yan i ráyan suheto "Regulasion SHEFA". Todu opiñon debi na u fanháloom trenta(30) diha siha ginen i fechan notisian publikasion, sãsaonão i sinipopotta na infotmasion, opiñon pat testamoñon kinentra. (1 CMC § 9104(a)(2)).

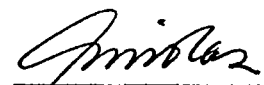
I manmapropone na areklamento yan regulasion siha ni mamensiona guini manma'apreba ginen i SHEFA Kuetpon Direktot siha gi Fibreru 5, 2009.

Nina'hâlom as: 
Felicidad T. Ogomoto
Kabiseyon SHEFA
Kuetpon Direktot Siha

4/15/09
Fecha

Rinisibi as: 
Esther S. Fleming, Espesiât Na Ayudante Para I
Atministrasion

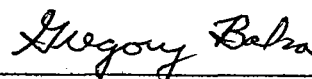
4/27/09
Fecha

Pine'lo yan Rinekot as: 
Esther M. San Nicolas
Rehistran Commonwealth

04.27.09
Fecha

Sigun i 1 CMC § 2153 (e) yan 1 CMC § 9104(a)(3), i manmapropone na areklamento yan regulasion siha mañechetton guini, manmarebisa yan manma'apreba komu fotma yan suficiente ligât ginen i Abugâdu Henerât CNMI yan debi na u mapublikâ. (1CMC § 2153(f)).

Mafecha gi diha 16 ^{Abrit} gi ~~Mátso~~, 2009.


Gregory Baka
Acting Abugâdu Henerât

MANMAPROPONE NA AMENDASION SIHA PARA I REGULASION SHEFA

§ 8 gi Areklamanto yan Regulasion siha guini ni ma'amenda komu mataitai gi sigiente siha: (Ma'amenda i matuge' ni maraya yan mafunas huyong i matuge'.

SEKSIONA 8. SAMPAPA' NA SEKSIONA 3 & 4

Klâsen Inasisten Fainansiât

3. Inayâo Estudiânte guiya i kumikililok (revolving) na klâsen inasisten fainansiât siña ma'ofresi yanggen gumuaha fondo siha. I Inayâo SHEFA masuheto gi espesifiko na tetmina siha inapâsi yan kondision gi kinemple, non-enrollment pat matetmina gi inestudion i manrिसिबि. I Inayâo SHEFA madibidi gi tres na pätte siha, maditetmina na gumuaha ginen i kuetpon i SHEFA yan / pat ginen i pumattisipâpâo na fainansiât, pat i institusion muna'ayâo siha ni ma'âturisa ginen i kuetpon SHEFA para u mahenta ni inasisten inayâo SHEFA. Un klâsi na inayâo ma'atan i nesisidât fainansiât gi nombrâyon yan kualifikâon i aplikânte. Inayâo denimânda pat denimândan inayâo otro ta'lo na klâsen inayâo suheton finene'na humâlom, finene'na humuyong na areklo madetetmina gi tiempon mana'halomña, yan akseptasion aplikasion. I mina'tres yan uttimo klâsi na inasiste gi papa'este naprogrâman inayâo mariferi komu merit loan. I merit loan ma'intensiona rinekto para u na siña i mangkuâlifikâo na residente manhâlo gi uttimo na tetmina (i. e., semester pat quarter) gi progrâman degree. "Chansa" hulo' asta tres (3) na courses anai siña para: (a) accelerate degree / kompledon progrâma, pat (b) komple i dinimândan grinaduha. I inasisten inayâo SHEFA mababa para i part-time yan full-time undergraduate, graduate yan postgraduate na aplikânte komu madefina gi halom i regulasion siha, fuera ayu i initial cumulative grade point average ni madimânda para maseha hâfa inayâo aplikânte gi 2.0. Lâo, continuing eligibility para inayâo SHEFA despues finene'na na semester pat quarter tinattitiyi i primet premion inayâo ha dimânda i manrिसिबि para u maintain pat u upus i minimum cumulative grade point average i SHEFA gi 2.5 gi eskalera i 4.0.

4. Maseha hâyi manrिसिबि SHEFA ni inayâo estudiânte gai obligasion ligât yan responsâpblidât ni inapâsi gi nobenta (90) diha siha tinattitiyi ni kumplidon, non-enrollment, pat tetminasion inestudio siha. Otro tema yan kondision siha ni inayâo SHEFA debi na u mapribeniya gi halom i tema siha i notan prinimeti / inakonfotman memorandum komu mana'afakcha' gi halom i regulasion siha. Lâo, para i hinangai siha i nina'hâlom i notan prinimeti / inakonfotma ni SHEFA yan i manrिसिबि para otro todû inasisten fainansiât fuera i inayâo SHEFA, i manrिसिबि debi na u makonsidera yan maklasifika komu mandidibi ni fondon SHEFA solu todû kondision siha, dinimând siha yan garentiha i nota yan i areklamanto yan i regulasion siha SHEFA na makontinuha gi todû manera gi durânten i tema pat i bidan inakonfotma, yan kinemple despues i estudio-ña siha, pat non-enrollment ginen eskuela pat tetminasion ginen i notan institusion.

Yanggen i manrasisibi ti sumága gi pat mâtto tâtte Saipan para u pribeniyi setbisio gi private pat i public sector despues di kinemple, non-enrollment pat tetminasion i estudio-ña siha, guiya debi na u apâsi i fondon SHEFA yan interes ni sigun i tema yan kondision siha ni mafiechetton yan i Notan Prinimeti / Memorandum Kinontrâta. Otro probension siha para i inasisten inayâo SHEFA matuge' gi Seksiona Bente i Dos (22) gi regulasion siha.

§ 16, sampapa' na seksiona 8 gi SHEFA na Areklamento yan Regulasion siha guini ma'amenda para u mataitai komu i sigiente siha: (Ma'amenda i matuge' ni manmarâya yan mafunas i tinige' siha ni manmarâya huyong.)

SEKSIONA 16. SAMPAPA' NA SEKSIONA 8

8. I Mandidibi debi na u konfotme na para u sága gi pat u fâtto tâtte Saipan gi halom tres (3) mes siha despues di kinemplen i plânon degree-ña pat i tetminasion studio siha pat non-enrollment ginen i notan institusion, yan prinibeyen setbision siha ginen fina'cho'cho' guini Saipan para maseha háyi na âmu maseha gi private pat osino gi public sector pat todú i dos. I Mandidibi sigi mo' na kumonfotme para u cho'gue i setbisio siha gi halom i private pat i public sector pat osino todú i dos giya Saipan para u chilong i tiempo para u parehu ni para i Mandidibi ni manrasisibi inasisten fainansiât gi papa' § 8(1)(2) guini siha na areklamento yan regulasion siha ginen i Numana' ayâo. I Mandidibi konfotme na para u apâsi tâtte i todú i kantidâ ni ha ayâo gi papa' § 8(3) gi este na areklamento yan regulasion siha gi halom i nobenta (90) diha siha tinattitivy ni kinemplidu, non-enrollment, pat i tetminasion estudio siha. Otro tema yan kondision siha gi inayâo SHEFA siña mapribeniyi ni numana' ayâo ni notan kondision. Yanggen siakâsu na gumuaha chinatsaga gi tetma yan i kondision siha gi entalo' SHEFA yan i numana' ayâo gi nota, i tema yan i kondision siha gi regulasion siha debi na u metgot. Yanggen i manrasisibi ni SHEFA inasisten inayâo fainansiât ti sumága gi pat mâtto tâtte Saipan despues i kinemplidu gi estudio-ña siha, pat non-enrollement ginen i eskuela pat osino tetminasion ginen i notan institusion, guiya debi na u apâsi todú tâtte i dibi-ña gi fondon SHEFA siha ni marisibi gi papa' § 8 (1) (2) gi este na areklamento yan regulasion siha yan interes gi sigun i ginagagâo guini gi Notan Prinimeti / Memorandum Kinontrâta. Otro probesion siha gi inasisten inayâo SHEFA matuge' gi § 22 gi regulasion siha.

§ 18 gi SHEFA na Areklamento yan Regulasion siha manggaige na manma'amenda para u mataitai komu i sigiente siha: (Ma'amenda i matuge' ni manmarâya yan mafunas i tinige' siha ni manmarâya huyong)

SEKSIONA 18

Miscellaneous: Maseha háyi i manrasisibi gi inasisten fainansiát SHEFA ya ha laknos gue' huyong pat ha drop out gue' gi maseha mánu na klas pat mumenos gi full-time na estáo debi na u notisia gi tinige' amánu chaddek i kuetpon i SHEFA na guaha tinilaika gi estáo ya siña inafekta i inasisten fainansiát gi mamamaila' na tiempo. Yanggen ti un infotma i kuetpon SHEFA siempre makonsidera komu un kontra i areklamento yan regulasion SHEFA siha, yan más espisifikátmente § 13 i areklamento yan regulasion siha. I tinilaika gi field of study debi ensigidas na un na'tungo' gi tinige' i kuetpon SHEFA ni rason siha pot i tinilaika, espisiátmente para i manrasisibi siha ni SHEFA u madeklára mayot gi halom SHEFA i priority field gi inestudio yan / pat mana'hálo ginen i nota institusion gi halom i prugrâman field of study. Tâya' sikumstânsia siha na maseha háyi na aplikánte pat manrasisibi ni fondon SHEFA para u ma'aturisa para u na'satisfecho maseha háfa na fulltime na estáo yan i dinimánda siha gi G.P.A. ni SHEFA ni maseha háfa na remedial course, fuera ni ginagagáo ni dinimánda ginen i notan institusion sigun gi placement test. Este fumuera gi non-acceptance gi remedial courses malimit para unu(1) na academic year para i mamamaila' freshmen ha' para i English yan Math, yan inapililika para ayu ha' i kualifikámente para i grant-in aid, priority field of study, yan inayáo. Tâya' sikumstânsia siha , however, na u maripiti i course credit yan / pat remedial pat below-level credit, grádu pat punto mafabot gi halom yan matufong gi hunta i minimum credit yan term grade average dinimánda siha ni SHEFA para i performance-based scholarship. Yanggen siakâsu na guaha chinatsaga gi probension gi halom i regulasion siha, i probension guini na seksiona ni ginobebetna ni SHEFA; performance-based scholarship debi ni ginagagáo.

§ 20 gi Areklamento yan Regulasion i SHEFA guini ma'amenda komu mataitai gi sigiente siha: (Ma'amenda i matuge' ni manmarâya yan mafunas i tinige' siha ni manmarâya huyong)

SEKSIONA 20

Gi halom tres(3)mes siha gi matriculation pat trenta(30) diha siha ni tetminasion pat non-enrollment ginen i notan institusion, amánu i masusedi finene' na, i manrasisibe ni inasisten fainansiát ginen i fondon SHEFA madimánda para u saga gi pat u bira gue' tátte Saipan para u facho'cho' yan / pat para u pribeniya yan u cho'gue setbisio siha gi halom i private pat public sector, ni u marekognisa ni nisisidát para i ma'edukan suididánu yan cho'cho' Saipan. Gi halom alternative, yan notwithstanding i aplikáple na probension siha gi § 16 yan 20 gi Regulasion siha , maseha háyi manrasisibi siña ma'ilihi para u pribeniya yan u cho'gue Setbisio siha para manhire pat sin manapási (i. e. . setbision bulontário) gi halom i private yan / pat i public sector, ni direktamente benenifisiu i manrasisibi siha yan i komunidát Saipan mientras i manrasisibi ha kontinunuha ha' i latakhilo' na edukasion Saipan pat otro lugát. Pot ihemplo, i manrasisibi siña ha cho'gue i setbisio siha gi duránten Pásgua pat

bakasion summer siha. I ária siha ni manfinene'na mangkuálifikáo para i service credit is subject para i detetminasion ginen i SHEFA. Kuetpon Direktot siha gi footman directive ni mafitma ginen i kabiseyon i kuetpo ni humáalom, láo ti minidiyi para, i finene'na na field of study inapási ni § 8 gi regulasion siha.

I Nuebu § 21 gi Areklamento yan Regulasion siha gi SHEFA manggaige dinaña' para mataitai komu i sigiente siha: (Ma'amenda i tinige' ni maráya)

SEKSIONA 21

Part-Time Enrollment

Difinision. I part-time na aplikánte gi maseha nuebu pat on-going SHEFA na aplikánte ni fotmát na maklasifika ginen yan ma'atmiti gi U.S accredited ni notan institusion na estáo part-time manaliligáo degrin kolehu yan komple i más didide' kini i minimum threshold ni sais(6) credits yan papa' dosse(12) credit hours gi kada tetma gi duránte i SHEFA's application cycle para i undergraduate degree, yan sais(6) yan papa' nuebi(9) credits para i graduate yan post graduate degree.

Credit Requirement. I part-time recipient madimánda para u komple ti menus di sais(6) na credits gi duránten SHEFA's application yan award cycle gi halom i tetman Fall pat Spring. Este inaplilika para i undergraduate, graduate yan postgraduate na estáo. Táya' part-time recipient siña masedi para u aplika más ki nuebi(9)credits ni non-degree courses para i graduate yan post graduate degree.

Full-Time Employment Priority. I finene'na para i part-time na inasiste u mamánda aprebasion i full-time na inemplehu Saipan pat otro lugát, pat gi halom i tinahgue, ha pribeniya settifiku i rehistra gi CNMI Dipattamenton Hotnaleru pat otro lugát para primet na konsiderasion ginen i SHEFA.

Duráon Asistensia. I part-time na aplikánte siña masedi hulo' para tres(3) áños pat sais (6) na semester siha pat 9 quarters) para u komple i kada level of degree, amánu más menus (AA=3; BA=6 years)

Non-Repeat / Below-Level Course. Táva' maripiti van below-level course(s) para u matufong hálom ni para u na' satisfecho i minimum credit na dinimánda para i part-time na asistensia para i undergraduate, graduate pat postgraduate na estáo.

Uson Fondo Siha. Asistensian part-time gumuaha para i on-island undergraduate ni latakhilo' na edukasion para u apási i mana'achule' na gáston latakhilo' na edukasion sigun i mana'hálom i risibu guatu gi SHEFA.

Primet Asistensia. I Part-time na aplikánte kumualifikáo ha' para i grant asistance parehu para i tuition cost yan lepblo siha pat i flat amount gi \$800, amánu i menus.

Grade Point Average(GPA): Initial Entry yan Subsequent GPA. I initial entry level cumulative grade point average(GPA) para i part-time undergraduate na aplikánte sa' 2.5, yan insigidas despues u makomple i minimum cumulative grade point average gi 2.5 gi halom i dos(2) tetma siha (semester / quarter system). Para i graduate yan postgraduate, i cumulative grade point average i 3.0 madimánda.

Tetma yan Kondision. I ákto na premiu para i part-time na aplikánte na u posipble yanggen guaha fondo despues di manma'apási para i full-time degree-seeking i aplikánte siha ni manmapremiu, ni 50% na premiu ni siña manmapátte gi tinituhon i award cycle gi Fall pat Spring yan i tetenan na 50% ni para u mapátte gi mana'hálom i ofisiát na transcript pat i aplikánte siña ama'ayek para i 100% na reimbursement gi mana'hálom i ofisiát na transcript. I uttimon i aplikasion siha yan i madimánda na dokumenton supottasion siha para i deadline i part-time na aplikasion para i tetman i Fall gi Septiembre 30th yan Fibreru 28th para i tetman Spring. I SHEFA ha konsidera ha' i aplikasion siha gi duránten i tetman Fall yan Spring gi academic year.

Severability Clause Notwithstanding maseha háfa na probensions siha gi halom i Areklamento yan regulasion siha para i contrary, sásáonáo i tetma yan kondision siha gi SHEFA notan prinimeten / memorandum of agreement(MOA), i probension siha guini na seksiona debi na u ginobietna yan prinivail yanggen siakásu na guaha chinatsaga.

SEKSIONA 22

SHEFA Asistensian Manaváo

Difinision. Madifina i manaváo SHEFA gi Seksiona 8, Sampapa' na Seksiona 3 yan Ginebebietna ginen i aplikápble na probension siha gi § 8, Sampapa' na seksiona 4 yan § 16, Sampapa' na seksiona 8 gi regulasion SHEFA siha.

Kondision Manayáo van Kreditu para Setbisio.

- a) I bali-ña parehu para dies pot sento(10%) gi bâlen i prisipât na inayáo siña madespensa para kada sâkkan i manrasisibi para u facho'cho' pat u cho'gue setbisio siha giya Saipan, hulo' asta i maximum gi nubenta pot sento (90%) gi bâlen i totât na inayáo para i manrasisibi ha komplidu i degree yan settifikasion gi SHEFA's priority field of study, yan hulo' gi singkuenta pot sento (50%) para todú otro siha na field of study komu madetetmina ginen i SHEFA kuetpo para krediton setbisio.
- b) Inayáo siha ti siña inipos \$40,000 para i undergraduate, graduate yan postgraduate degree seeking na aplikânte mamensiona.
- c) Inapâsen Inayáo Siha ti debi na u inipos sais (6) años, sâsâonâo i bâlen interes gi prevailing interest rate.
- d) Maseha hâfa na inayáo i manrasisibi ni ha sumâga gi pat ha bira gue' tâtte Saipan yan para u cho'gue i setbisio siha gi nubenta (90) diha siha despues di monhâyan ha komple progrâman degree, pat humuyong pat i tetminasion i studio siha, madimânda para u apâsi todú i bâlen ha ayáo yan i interes gi halom sais (6) años, yan madibidi gi mes para u tutuhon tres(3) mes siha ginen i kinemple, non-enrollment, pat tetminasion i estudio siha. I manrasisibi siña manggâgâo para i waiver para i kondision inayáo yanggen para u bira tâtte gi eskuela gi halom nubenta (90) diha siha gi tetminasion pat non-enrollment.
- e) Maseha hâfa na inayáo i manrasisibi ni mafieñetbe gi U. S. Armed Forces ni active duty mientras gagaige gi eskuela pat ha komplidu, non-enrollment pat tetminasion i studio siña mamaisen para u maditieni ma'apâsi pat probension setbisio siha estaki i recipient mâtto tâtte Saipan, lâo ti u mâs anâkko' ki sais (6) años, u mana' siguru na i manrasisibi na manaplika na para u atrasâo gi papa' este na seksiona gi halom i nubenta (90) diha siha gi hinalom-ña gi Armed Forces yan ha kontinuha sumâga Saipan komu lugât residente-ña. (e.. g . ., botadot Saipan).
- f) I inayáo manrasisibi ni kumomple i progrâman degree yan sumâga pat ha bira gue' tâtte Saipan yan ti siña manhenta cho'cho', sâsâonâo self-employment giya Saipan, siña magrâtes ta'lo hulo' asta sais (6) mes siha ni para u tutuhon manapâsi.

Loan Program Funding Mechanism. Inayáo SHEFA para u mafondo kada sákkán yan ha kontinunuha i apropresion ma'atan komu para u ansiánu kumapitalisa yan u makontinuha prumibeniyi fondo para i prográman manayáo. Itmás, i Kuetpon i SHEFA masedi para u ma'usa i ti magásta na fondo siha gi uttimon i kada sákka (fiscal year) para u fondo i prográman manayáo. Fondo siha siña matransferi para i pumattitísipáo i kuálikáo na institusion numa'ayáo siha sigun gi bálen i inayáo na kantidá ni i bangko pat otro na institusion nama'ayáo ni ha na'ayáo para i kualifikáo alpikánten SHEFA. Maseha háfa na fondo siha ni matransferi debi na u mapega gi anai siña mangánna interes gi Trust Account. I trust account siña mamaneha na fund account ni u ma'usa ginen ni bangko pat institusion numa'ayáo. Fund proceeds debi na u ma'usa para u inofset (offset) i gáston i inayáo yan deferred interest.

Pumattitísipáo na Institusion Numa'ayáo.

- a) Pattisipánte ni para u kuálikáo ni SHEFA na prográman Inayáo ha nisisita na i Institusion fainansiát na malisensia ligát para u gai bisnes guini Saipan yan debi na u ma'ensurans (insured) ginen i Federal Deposit Insurance Corporation.

- b) Todu manpattisipápante na institusion numa'ayáo pat bángko debi na u madimánda para u na'halom nota pot i estáo inayáo siha ni mafa'tinas para u sáonáo i kuetpon i SHEFA, Sekretáron Manehánten Saláppe' (Finance), i Máyot Saipan yan i Kabiseyon Saipan yan Sangkattan na Isla siha Delegádon Lehislatura. I nota debi na u na'sáonáo, Láo ti malimit para, infotmasion yan opiñon gi numiron inayáo na ma'apreba yan ti ma'apreba (ni rason siha para i ti ma'apreba) manrísibi yan kuánto, estáo inayáo, cumulative interest costs incurred in subsidized yan deferred interest costs, amount incurred gi service credit para kada ririsibi (recipient), yan estáo gi Trust fund yan i bangko pat i institusion numa'ayáo.

Seipél
Bwulasiyool Maghalaay mellól Seipél
Saipan Higher Education Financial Assistance (SHEFA)
P.O Box 10001, PMB 3648
Seipél, MP 06050
E-Mail: contact@saipan.com
Tilifoon. (670) 233-5995; Fax: (670) 233-5996

ARONGOL TOULAP REEL POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL
SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAM
(PROGRÓMAAL SALAAPI MELLÓL GAKKOOL SEIPÉL KKA AA
LLANGELÓ) (SHEFA)

Mángemáng igha ebwe fillóoy Pomwol Allégh kkaal: Progróomal salaapi mellol gakkool seipél kka aa llangeló (SHEFA) Mwiischil Samwool kkaal re mwuschel rebwe schéshéél fillóoy Pomwol Allégh kka e appasch, bwelle mwóghutul Administrative Procedure Act, 1 CMC Tálil 9104(a). Allégh kkaal ebwe kkamalló llól seigh (10) ráálil ngáre schagh raa fillóoy me akkatéelong llól Commonwealth Register (1 CMC Talil 9105(b)).

Bwángil: Mwiischil Samwool kkaal mellól Progróomal salaapi reel gakkool seipél kka aa llangeló nge re ngáleeey bwángil Seipel me Northern Islands Legislature Delegation (SNILD) igha rebwe fillóoy allégh kkaal me alléghúl administration me akkatéél Alléghúl Toulap ye (SLL) 12-21 llól Tálil(5)(n) llól aweewe ye lemeli.

Aweewel me Óutol: Yaal ppwol Pomwol allégh kkaal ngáli SHEFA nge e toolong progróomal loan llól Tálil 8, Tálil 16 me Tálil 22; ayoora alléghúl salaapial part-time enrollment ye e ffé, ebwal toolong tingórol SHEFA, full-time credit ngaliir ate kka rekke gakko schagh (undergraduate), ate kka raa atakka yaar gakko (graduate) me aweewel postgraduate (ate kka raa atakka yaar college) llól Tálil 21; mwoghutul SHEFA reel scholarship llól tálil 18, me alléghúl SHEFA reel service credit llól tálil 20. Pomwol lliwel kkaal ngáli allégh kka ighila ebwe kkamalló llól Fall 2009 kkapasal academic.

Kkapasal me aweewe kka e téétá: Allégh kkaal ebwe :

1. Ayoora alillisil postsecondary part-time igha schóoy tingór (applicants) mellól SHEF rebwe bweibwogh degree llól U.S. accredited institutions llól higher education me postsecondary technical me trade school;
2. Ayoora aweewel igha rebwe fféer progróomal loan sáangi SHEFA;
3. Affata aghiyeghil SHEFA iye ebwe mwir sangi scholarship; me

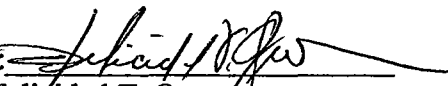
4. Ayoora aghiliwel me ngáre akkáaw mwóghut llól aweewe yeel iye ebwe ghatch llól kkapsal táilil 20 mellól allégh kkaal, me óutol Alléghúl Toulap ye 16-15 iye rekke ayoora bwelle rebwe alisiir atel SHEFA. Eweey schagh aweewe ye elo llól Táilil 18, ngáre eghal yoor weires mellól aweewe ye elo llól Táilil 16, iwe, schéschéél aweeweel llól táilil 16 me 18 ebwe loofósch.

Pomwol Táilil ye 21 me Táilil 22 nge e ffé Táilil kka ebwe schu ngáli allégh kka eyoor me ebwe iyeel mmwal akatéél. Alongal pomwol lliwel kkaal ngáli alléghúl ighila me alléghúl kkaal ebwe kkamalló llól Fall 2009 academic term.

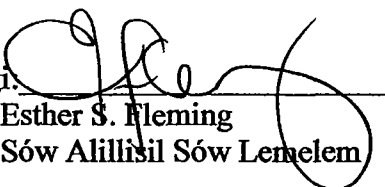
Ammwel me akkatéél: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register llól Táilil ye raa pomwoli me fillóól allégh kka e ffé (1 CMC Táilil 9102(a)(1)) me appaschetá igha e fisch mellól civic center kkaal me llól bwulasyool gobenno kkaal, Municipality of Saipan, llól Amerikkónu, Refalúwasch me Remeraalis (1 CMC Talil 9104(a)(1))

Isisilongol Mángemáng: Afanga ischil mángemángúmw ngáli Ms. Felicidad T. Ogumoro, Samwoolul, Mwiischil llól Saipan Higher Education Financial Assistance Program sáangi address ye weilang, me facsimile reel (670) 233-5996 me ngáre e-mail address, contact@saipanshefa.com reel kkepas ye “Alléghúl SHEFA”. Ischil mángemáng ebwe atotoolong llól eliigh (30) ráalil ngáre raa atéew arong yeel, e toolong data, mááfiyómw me ngáre aingiingil. (1 CMC Táilil 9104(a)(2)).

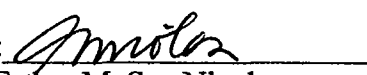
Pomwol allégh kkaal nge aa alúghúlúgh mereel Mwiischil SHEFA wóól Mááischigh 3, 2009.

Isaliyallong: 
Felicidad T. Ogumoro
Samwool, Mwiischil SHEFA

4/15/09
Rál

Mwir sáangi: 
Esther S. Fleming
Sów Alillisil Sów Lemelem

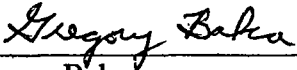
4/27/09
Rál

Ammwel sáangi: 
Esther M. San Nicolas
Commonwealth Register

04.27.09
Rál

Sáangi allégh ye 1 CMC Tálil 2153 (e) me 1 CMC Tálil 9104(a)(3), pomwol allegh kka e appasch ighila, nge raa takkal alúghúlúghúw mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééwow (1 CMC Tálil 2153(f)).

Rállil ye 16 ^{Séeta} llól Maramal ~~Máailap~~, 2009.


Gregory Baka
Sów Bwungul Allégh Lapalap

POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL SHEFA

Pomwol Alléghúl SHEFA ebwe ssiwelló bwelle rebwe arághi ikka elo faal

TÁLIL 8, TÁLIL KKA 3 ME 4

Tappal alillisil salaapi (Financial Assistance)

3. Student Loan nge essogh tappal ye emmwel rebwe ayoora ngáre eyoor fundo. Tingórol salaapi mellól SHEFA nge eyoor kkapasal igha ebwe óbwós sefáál me kkapasal igha aa takkal óbwósóló, non-enrollment ate kka rese toolong me akkayúúlóól ate kka re loan mellól SHEFA nge e ghilighil llól eluuw tappal, ngáre mwiischil SHEFA re ira ebwe yoor salaapial me/ulo llól aweewel salaapi yeel me lending insititution kkaal(s) me ngáre mwiischil SHEFA e alisúgh ubwe loan. Eew tappal loan nge ebwe mwir sáangi financial need reel ubwe fillong (eligible) me ubwe mmwelil ubwe apply (tingór). Loan on demand me demand loan nge bwal eew tappal loan ye inaamwo iyo e ghomw,iyo re alúghúlúghúw, ngare e kkeyil isisilong, me re atiwa yaal tingór. Ailuwal me aighúghúl alillis kka elo faal progróma yeel nge re ghal ira bwe merit loan. Merit loan nge e schéshéél eyoorátá bwelle ebwe ffat bwe yeel aramasal faleey. Enroll llól aighughul kkapasal (i.e semester me ngáre quarter) llól progróomal degree igha ubwe “challenge” mwete ngáli eluuw (3) course reel ubwe: (a) ghitipwotchuw degree/ progróomal igha aa takkaló, me ngáre mweiti ngáli kkapasal graduation. SHEFA loan nge e mmwel ngáliir part-time me fulltime undergraduate, graduate me undergraduate rekke tingór (applicant) ye ekke bwáari llól allégh kkaal, ese toolong plóónol cumulative grade point average reel tingórol loan nge ebwe 2.9. Bwal eew, Atel SHEFA kka e sóbwósóbw yaar loan mwiril first semester me quarter mwirilóól mmwal loan ebwe mweiti ngali schóóy loan igha ebwe akkamwasch me aluulo SHEFA minimum cumulative grade point average ngáre 2.5 llól scale ye 4.0.

4. Inaamwo iyo mellól SHEFA ye e yááyá loan nge e allégh me elo ngáli ebwe óbwóssuw sefáálil llól waliigh (90) ráálil ngáre schagh aa atakkaaló, non-enrollment, me ngáre aa akkayúúló yaal gakko. Akkááw kkapasal me óutol SHEFA reel loan nge ebwe mwir sáangi kkapasal SHEFA me óutol promissory note (schéél alúghúlúgh) iye elo llól allégh kkaal. Bwal eew, pomwol igha ubwe toolong llól promissory note/memorandum of agreement sáangi SHEFA me schóóy loan llól tappal alillis kkaal saabw SHEFA loan, schóóy loan ebwe aghiyeghi me ebwe lo bwe schóóy mwolofit (debtor) llól salaapial SHEFA, emmwel ebwe lo llól alongal aweewe, yááyál ngáli, me alléghúl SHEFA e tabweey alongal aweewe kkaal me atakka yaal gakko, me ngáre non-enrollment mellól gakko me akkayúúló mellól institution. Ngáre ate kkaal rese lootiw me sefááleti seipél bwelle rebwe alisi private sector igha atakka non-enrollment me akkayúúló yaal gakko. Ii ngáre schóóbwt me ii mwaal ebwe óbwóssuw SHEFA fengál me interest bwelle kkapasal me óutol SHEFA sáangi promissory ye e appasch/Memorandum of Agreement. Akkááw aweewe kkaal mellól salapial SHEFA ebwe lo bwe kkapasal llól Tálil alléghúl kka Ruweigh me Ruwoow

Tálil 16, Tálil 8 mellól Alleghul SHEFA ebwe ssiwel bwelle rebwe arághi ikka elo faal: (Ssiwel kka elo aweewe yeel ikka e róóza me atotoowow milikka e strike-out)

TÁLIL 16, TÁLIL KKA 8

8. Schóóy mwolofit (Debtor) ebwe lootiw schagh me ngáre sefááleti Seipél llól eluww (3) maram ngáre aa atakkaaló yaal plóónol degree me ngáre akkayúúló yaal gakko me non-enrollment mellól institution, me tarabwaagho wóól Seipél ngáli schóóy attarabwaagho e weewe schagh llól private me llól public sector me ngáre ii me ruwoow. Schóóy debtor e tingór bwe ebwe sóbweey yaal angaang llól private kkaal me ngáre llól public sector me ngáre ii me ruwoow wóól Seipél iye ebwe weewe me yaal Debtor ebwe bweibwogh salaapi faal Talil 8(3) llól allégh kkaal me llól tiweigh (90) ráálil ngáre raa atakkaaló, non-enrollment, me akkayúúló mellól gakko. Akkááw aweweel SHEFA reel salaapi nge emmwel bwe rebwe ngáleeey schóóy alillis (lender) sáangi appelúghúlúgh (agreement) solo ngare ekke aweiresi outol me kkapasal lefilaal SHEFA me lender of record. Óutol me kkapasal nge allégh kkaal ebwe kkamall. Ngáre ate kka relo llól SHEFA rese lootiw me rese sefááleti Seipél mwiril igha rese atakka yaar gakko, me ngáre non-enrollment llól gakko me akkayúúló mellól ammwelil institution, ii ngáre schóóbwt me ngáre ii mwáál rebwe obwóssuw alongal mwolofit (diibi) mellól fundool SHEFA kka re bwughi me ngáre re yááyá faal Tálil 8 (1) (2) sáangi allégh kkaal fengál me yaal interest bwelle Promissory Note / Memorandum of Agreement. Akkááw aweweel loan mellól SHEFA nge elo bwe kkapasal Tálil 22 llól allégh kkaal.

Tálil 18 llól Alleghul SHEFA iye re siweli bwelle rebwe arághi:
(Ssiwel kka elo llól text nge e róóza me akkaschewow milikka e strike-outs.)

TÁLIL 18

Miscellaneous: Alongeer schóókka re yááyá salaapi mellol SHEFA ikka re toowow (withdraws) me akkayúúló mellól gakko me rese toori full-time jaar gakko rebwe schéschéél isch ngáliir mwiischil SHEFA bwe eyoor ssiwel bwelle ete aweiresi jaar tingórol alillis mwete ló mmwal. Ngáre use aghuleey ngaliir schóóy mwiischil SHEFA, emmwel rebwe mángi bwe use attabweey alléghúl SHEFA, me schéschéél elo llól Talil 13 sángi allégh kkaal. Ssiwelóól yóómw gakko nge ubwe ischilong reer mwiischil SHEFA fengál me bwulul igha ebwe ssiwel, e lap ngaliir atel SHEFA kka re bweibogh class me rebwe toolong llól institution of record llol progrooma ye rekke abwungubwung llól, Aweewe kkaal nge emmwel inaanwo me ngare schóókka relo llól fundool SHEFA rebwe ngálleey bwángiir rebwe bwughi fulltime status me tingórol G.P.A mellól SHEFA fengál me remedial course, ese toolong yaal tingór institution iye e mwir sangi asóssótol (placement test). Akkayulóól non-acceptance mellól remedial courses nge eyoor aighúghúl llól eew ráágh (1 year) academic income freshman reel; schagh English me Math me e mmwel ngáliir schagh schóókka rebwe fillong (eligibility) llól grant-in-aid, gakko kka re fili me ngáre ekke tittingór. Me loan. Aweewe, ngáre schóókka re bwughi sefááilil course credit me / ngáre remedial me below-level credit, grade me points nge ebwe ghilighil llól me páápáalong tingórol SHEFA reel minimum credit me term grade point average. Ngáre esóór fitighoghol aweeweel allégh kkaal, aweewe yeel mellól tálil SHEFA nge lootiw.

Tálil 20 mellól Alléghúl SHEFA ikka aa ssiwelló nge ebwe arágherágh ikka elo faal:
(Ssiwel kka elo llól text nge e rooza me milikka ebwe akkaschewow ikka e strike-outs).

TÁLIL 20

Llól eluuw (3) maram reer atel meleitey me ngáre eliigh (30) rááilil yaal akkayúúló me non-enrollment mellól institution, ese lefil ifa eghomw, schóókka re yááyá salaapial SHEFA nge rebwe lo schagh me ngare sefaaleti Seipel bwelle angaang me / ngare ayoora me alillis llól private me public sector kkaal, igha re ghuleey bwe e gakko me angaang wóol Seipél. Akkááw aghiliwel, me saabw bwelle igha tittingór kka elo llól aweeweel Tálil 16 me Tálil 20 mellól allégh kkaal. Alongeer schóóy yááyá salaapial SHEFA ebwe affil igha ebwe yoor me ayoora alillis reel ebwe umuumw me ngare óbwós (i.e.. volunteer service) llól private me / ngáre llól public sector. Iye ebwe alisiir atel igha me cominidóódul Seipél igha atel meleitey kkaal rebwe sóbweey jaar higher education wóol Seipél me inaanwo iya. Aweewe, atel SHEFA rebwe angaang ótol christmass me summer vacations.

Class kka e fil ngáli service credit nge ebwe mwir sangi Mwiischil SHEFA iye samwoolul mwiisch e amasawa, ebwal toolong nge ese aighúgh ngáli, salaapial gakko kka ekke bwughi llól Tálil 8 llól allégh kkaal.

Alléghúl SHEFA kka elo llól Tálil 21 kka e ffé nge e siwelló bwe rebwe arághi ikka elo faal:
(Óutol kka e ssiwel nge e róóza me faal)

TÁLIL 21

Part-time Enrollment

Aweewe. Part-time applicant nge schóókka re ffé me on-going SHEFA applicant ikka re schéschéél filiir me atolongoor llól U.S. accredited institution of record bwe part-time iye ekke bwunguw college degree me atakka minimum threshold sangi oloow (6) credits me faal 12 credit hours kkada term mwóghutul SHEFA sáangi application ngáliir undergraduate degree, me faal tiwoow (9) credit reel graduate me post graduate degree.

Credit Requirement. Schóókka re part-time nge rebwe mweiti ngáli reel rebwe atakka nge essóbw luuló oloow (6) credits sáangi mwóghutul application mellól SHEFA me award cycle llól Fall me Spring term. Milleel nge e mwete ngáliir undergraduate, me kkapasal postgraduate. Ese mmwel schóóy part-time rebwe feeru (apply) tiwoow (9) credits ngáli non-degree courses ikka rebwe yááyá ngáli graduation.

Full-Time Enrollment Priority. Alillisil priority for part-time rebwe alúghúlúghúw schóóy full-time employment mewóól Seipél me inaamwo iya, me ese lefil, rebwe ayoora certification of registry mellól CNMI Bwulasiyool Labor me toowow lúghúl ngáre SHEFA e tipeli.

Duration of Assistance. Schóókka part-time applicant nge emmwel rebwe toolong llól eluww (3) ráágh me ngare oloow (6) semester me (9 quarter) bwe rebwe atakka kkada level bwe degree. Ese lefil ngáre schagh ese aluulo (AA=3: BA= 6 years (oloow ráágh).

Non-Repeat /Below-Level Course. Ese mmwel ubwe bwughi sefáálil (No repeated) me faal-level course(s) ebwe páápá bwe minimum credit ngáliir part-time reer undergraduate, graduate me kkapseer postgraduate.

Use of Funds. Alillisil part-time nge re ayoora ngáliir schagh on-island undergraduate higher education reel ebwe óbwóssuw higher education iye ebwe mwir sáangi salaapial atotoolongol schóóy gakko

Priority for Assistance Schóókka re part-time nge emmwel rebwe toolong llól alillisil grant ye ebwe óbwóssuw tuition cost me tiliighi me ngáre llapal ye \$800. ngáre schagh ese lapeló.

Grade Point Average (GPA): Mmwal Entry me Subsection reel GPA. Mille initial entry level cumulative grade point average (GPA) reel part-time undergraduate applicant ebwe 2.0. me schéshéél akkamwasch minimum cumulative grade point average ngáre 2.5 llól two (2) terms (semester / quarter system). Ngáliir graduate me postgraduate. Cumulative grade point average ye 3.0 nge rebwe mweiti ngáli.

Term & Condition. Schéshéél salaapial part-time applicant ebwe aghiliwel (dipendi) ngáre eyoor fundo ngare raa óbwóssuwuló atel full-time applicant iye ebwe 50% óbwóssul llól Fall me Spring me eghús ngáre 50% ebwe obwóssul isisilongol transcript me ngáre applicant ebwe bwughi 100% salaapial igha e sisisilong official transcript. Ótol application me tingórol dokkomento sáangi part-time applicant llól Fall term nge Maan 30th me Maaischigh 28th llól Spring term. SHEFA nge e ghal bweibwogh schagh application ótol Fall me Spring term llol academic year.

Severability Clause. Saabw bwelle aweweel allégh kka ese fil fengál, e toolong kkapasal me ótol SHEFA / memorandum of agreement (MOA), aweewe mellol Talil yeel ebwe lemeli me ayoorá ngáre eghal yoor weires.

Tálil 22 ye e ffé mellol Alléghúl SHEFA ebwe appaschelong bwe rebwe arághi:
(Ssiwel llól text ebwe róóza me faal)

TALIL 22

Alillisil Loan mellol SHEFA

Aweewe. Loan mellol SHEFA nge ekke apasa mellól Tálil 8, Subsection 3 me e lemelem sáangi aweewe kka efil llól Talil 8, Subsection 4 me Tálil 16, Subsecton 8 llól alléghúl SHEFA.

Kapasal Loan me Credit for service

- a) Llapal ye ebwe weewe me 10% sáangi llapal loan nge emmwel rebwe ngálleey eew ráágh ebwe angaang me alillis wóól Seipél, ebwe yoor 90% loan ye ekke tingór igha ebwe atakkaaló yaal degree me certification llól SHEFA, mwete ngáli fifty percent (50%) ngali alongal tappal (abwungubwung) (study) iye e alúghúlúgh mereel mwiischil SHEFA bwelle service credit.
- b) Loan nge essóbw aluuló faigh sangaras (\$40,000) ngáli undergraduate, graduate me postgraduate degree schescheel schooy tingor.
- c) Óbwóssul loan nge essóbw luuló oloow ráágh (six years), ebwal toolong interest mellól prevailing interest rate.
- d) Alongeer schóoy loan ikka re lootiw me sefááleti Seipél me mwóghutáágheli tiweigh rál (90 days) ngáre schagh aa atakkaaló progróomal degree, me ngáre akkayúúló, schéschéél akkayúúló schagh ebwe óbwóssuw llapal loan we e yááli fengál me yaal interest llól oloow (6) ráágh, me ghilighil llól kada maram iye ebwe bweletá llól eluuw maram ngáre schagh raa atakka, non-enrollment me akkayúúló gakko. Recipient ebwe tingór bwe rebwe ayúúwuló kkapasas loan ngáre ebwe sefáállong gakko llól tiweigh raalil (90 days) igha e akkayúúló me non-enrollment.
- e) Alongeer schóoy loan ikka re toolong sulóolu llól U.S. Armed Force igha ekke gakko schagh me aa atakkaaló, non-enrollment me akkayúúló yaal gakko ebwe tingór postponement of repayment me ngáre alillisil aweewe yeel mille yaal aramas yeel sefááleti Seipél nge ese aluulo oloow ráágh (6 years), ngáre schagh recipient e tingór bwe essóbw akkayúúló mwo faal tálil yeel llól (90) days igha e toolong Armed Force me e sóbweey yaal lo wóól Seipél ngáre ii aramasal seip'l (e.g.. schóól bwoota mewóól Seipél).
- f) Schóoy loan kka raa atakka progroomal degree me re lo schagh me ngáre re sefááleti Seipél me rese schuschu angaang. E toolong self-employment wóól Seipél, emmwel rebwe ngálleer bwal oloow maram (6 years) rebwe óbwossuwuló yaal loan.

Loan Program Funding Mechanism. SHEFA loan ebwe fundooli eew ráágh me sóbweey yaal ammwela mmwal yaal ebwe óbwós me sóbweey fundóól progróomal loan. Bwal eew, emmwel bwe mwiischil SHEFA ebwe yaaya fundo kka rese yaali llól arorosol ráágh igha ebwe fundooli progróoma. Emmwel bwe salaapi yeel rebwe ngálleey schóóy tingór mellól lending institution iye ebwe mwir sangi llapal loan ye bwonkko me akkáaw lending institutions e ngálleey schóóy tingór kka re fillong llól SHEFA. Alongal fundo kka ebwe alulus ebwe lo bwe interest llól Trust Account. Emmwel bwe Trust Fund rebwe yáali bwe ebwe óbwóssuw llapal loan kkaal me deferred interest.

Participating Lending Institution.

- a) Schóókka re fillong rebwe loan llól salaapial SHEFA rebwe mweiti ngáli bwe financial institution rebwe lisensia bwe rebwe fféer bisinis mewóól Seip'1 me alughulugh mereel Federóód Deposit Insurance Corporation.
- b) Alongeer lending institution me ngáre bwonkko rebwe mweiti ngali reel ebwe isisilong kkpasal loan kkaal iye ebwe isisilong reel mwiischil SHEFA. Samwoolul Finance, Maghalaayil Seipél me Samwoolul Saipan me Northern Islands Legislative Delegation. Repot yeel ebwal atoolongow, nge ese aighúgh ngáli, ammatafal me aweweel reel llapal loan kka aa alúghúlúgh me ese alúghúlúgh (fengál me bwulul ese alúghúlúgh). Recipient me llapal loan, cumulative interest kka ese fil iye ebwe óbwóssuw me deferred interest costs, llapal ye rebwe óbwóssuw service credit ngáliir recipient me aweewel Trust Fund ngáli bwonkko me Lending institution.



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality

1st Floor Gualo Rai Commercial Building
 Chalan Pale Arnold, Gualo Rai



PUBLIC NOTICE

**PROPOSED AMENDMENT
 OF THE WASTEWATER TREATMENT AND DISPOSAL RULES AND
 REGULATIONS**

Authority: The Director of the Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), hereby notifies the public that DEQ proposes to amend the CNMI's Wastewater Treatment and Disposal Rules and Regulations. The revisions included in the proposed amendment are proposed pursuant to the authority of the CNMI Environmental Protection Act, P.L. 2-32, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.

Purpose: The revisions included in the proposed amendment will update percolation testing requirements, add certification requirements for percolation testers, add certification requirements for wastewater system operators (to enable the CNMI to administer examinations), and raise fees.

Filing and Publication: The attached proposed regulation shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102 (a)(1)) and posted in convenient places in the civic center and in local government offices, in each senatorial district, in English, Chamorro and Carolinian. 1 CMC §9104 (a)(1).

Comments: In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed amendments. Copies of the proposed revisions are available at the offices of the Division of Environmental Quality, located at Gualo Rai Center across the street from Subway restaurant in Gualo Rai, Saipan. Written comments should be submitted to: Director, Division of Environmental Quality, P.O. Box 1304, Saipan, MP, 95950. Comments must be received by DEQ within thirty (30) days of the date this notice is published in the Commonwealth Register.

Issued by:

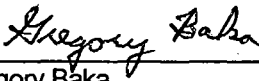
Date: 3/26/09


 Frank M. Rabauliman, Director
 Division of Environmental Quality

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

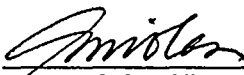
DEQ Proposed Amendment:
Wastewater Treatment and Disposal Rules & Regulations
Page 2 of 2

Date: 16 April 09



Gregory Baka
Acting Attorney General

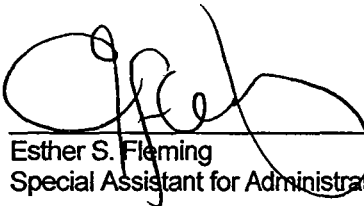
Filed by: af/27/09
Date: 4/27/09



Esther M. San Nicolas
Commonwealth Registrar

Received at the Governor's Office by:

Date: 4/27/09



Esther S. Fleming
Special Assistant for Administration



Commonwealth Téel Falúw Kka Efáng Mariana

BWULASIYOOL SÓW LEMELEM

Dibisionul Ammelil Weleór

Mmwal pwó Commercial Bldg, Ameiraw

Elal Pali Arnold, Ameiraw



ARONGOL TOULAP

**POMWOL LLIWEL REEL ALLÉGH
AMMWELIL WASTEWATER ME DISPOSAL**

Bwááng: Samwoolul Amwelil Weleór (DEQ), Bwulasiyool Sów Lemelem, Commonwealth Téel Falúw kka Efáng Mariana e kke arongaar toulap bwe DEQ e pomwoli bwe ebwe siweli Alléghúl CNMI Wastewater Treatment me Disposal. Siwel kkaal e toolong pomwol siwel kkaal sáangi bwángil CNMI Environmental Protection Act, P.L. 2-32, 2CMC§§ 3101 et seq. (igha aa siwel mereel P.L. 11- 103) 1CMC §§ 2646 mwet ngáli 2649, me P.L. 11 – 108.

Bwúlúl: Siwel kka e toolong llól pomwol siwel kkaal ebwe update percolation testing requirements me certification requirement reel percolation testers, e bwal toolong certification requirements reel wastewater operators (bwelle CNMI ebwe mmwelil administer examinations) me sáreghi abwós.

Akkatelong: Pomwol allégh kka e appasch ebwe akkatewow llól Commonwealth Register llól táilil pomwol me allégh kka e ffé (1CMC § 9102 (a)(1) me ebwe appasch llól bwuley kka efil mellól civic center me bwulasiyo kka llól Senatorial district, llól kkepasal Amerikkano, Remeralis me Refalúwasch 1 CMC §9102 (a)(1).

Aghiyegh: Sáangi 1CMC § 9104(a)(1) toulap re mweiti ngáliir bwe rebwe isisilong yaar mángemáng reel lliwel kkaal. Tilighiyal pomwol siwel kkaal nge elo reel bwelasiyool Ammwelil Weleor, me Ameiraw, Seipél. Ischil yáami mángmáng afangalong reel Samwoolul Ammwelil Weleor, P.O. Box 1304 Seipél MP 96950. Ebwe isisilong yáami mángemáng llól DEQ eliigh (30) rál, sáangi yaal akkatewow llól Commonwealth Register.

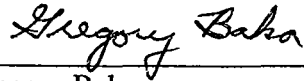
Isáliyalawow:

Rál: 3/26/09

Frank M. Rabauliman
Somwoolul Ammwelil Weleór

Sáangi 1CMC § 12153, igha aa lliwel reel P.L. 10 -50, allégh kka e appasch aa mwir sáangi Bwulasiyool Sów Bwungil Allégh Lapalap.

Rál: 16 Séeta 2009



Gregory Baka
Acting ngáli Sów Bwungul Allégh

Lapalap

Aisis reel:

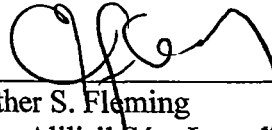
Rál: 04.27.09



Esther M. San Nicolas
Commonwealth Registrar

Mwir sáangi Bwulasiyool Sów Alilisi Sów Lemelem:

Rál: 4/27/09



Esther S. Fleming
Sów Alilisi Sów Lemelem



Commonwealth gi Sangkattan na Islan Marianas Siha

OFISINAN GOBIETNO

Dibision Environmental Quality

Primet(1st) Bibienda Gualo' Rai Commercial Building
Chalan Pâle' Arnold, Gualo' Rai



NOTISIAN PUPBLIKU

MAPROPONEN AMENDASION
NI WASTEWATER TREATMENT YAN AREKLAMENTON YAN REGULASION
MANDESPUESTO SIHA

Âturidât: I Direktot i Dibision i Environmental Quality(DEQ), I Ofisinan Gobietno, Commonwealth gi Sangkattan na Islan Marianas siha (CNMI), guini ha notisia i pupbliku na i DEQ ha propone para u amenda i CNMI's Wastewater Treatment yan i Areklamento yan Regulasion Mandespuesto siha. I manmaribisa siha ha sumâonâo gi halom i manmapropone na amendasion ni mapropone sigun gi âturidât i CNMI Âkton Environmental Protection, Lai Pupbliku 2-32, 2 CMC §§ 3101 *et seq.* (komu manma'amenda ginen Lai Pupbliku 11-103), 1 CMC §§ 2646 asta 2649, yan Lai Pupbliku 11-108.

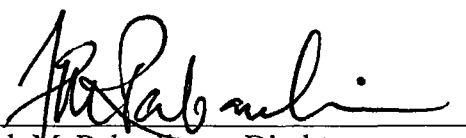
Hinangai: I marinueba mana'sâonâo gi halom i maproponen amendasion ni para u abânsa i percolation testing requirments, umentâ i dinimândan settifikasion siha para i percolasion testers, umentâ i dinimândan settifikasion siha para sisteman wastewater operators(para u siña i CNMI para u atministra i eksaminasion siha), yan u hâtsa i apas siha.

Nana'halom yan Pupplikasion: I chechetton na maproponen regulasion debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adâptan regulasion siha (1 CMC § 9102 (a)(1) yan u mapega gi kombiniente na lugât siha gi halom i civic center yan gi ofisinan gobietnamento siha, gi kada distriton senadot, gi fino' English, Chamorro yan Refalúwasch. 1 CMC § 9104(a)(1).

Opiñon Siha: Sigun i 1 CMC § 9104(a), I pupbliku guaha âpottunidâd para i u opiñon i maproponen amendasion siha. Kopian i maribisan maproponen amendasion siha gumuaha gi ofisinan Dibision Environment Quality, gaige gi Sentron Gualo' Rai gi bânda châlan ginen Subway Restaurant gi Gualo' Rai, Saipan. Tinige' opiñon debi na u mana'hâlom para i Direktot, Dibision Environmental Quality, P.O. Box 1304, Saipan, MP 96950. Opiñon siha debi na u maresibi ni DEQ gi halom trenta(30)diha siha ginen i fechan este na notisia ni mapupblika gi halom i Rehistran Commonwealth.

Linaknos as:

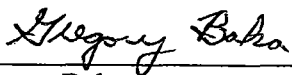
Fecha: 3/26/09


Frank M. Rabauliman, Direktot
Dibision Environmental Quality

Sigun i 1 CMC § komu ma'amenda ginen i Lai Publiku 10-50, i regulasion siha ni mañechetton guini ni manmarinueba yan ma'apreba komu para fotma yan suficiente ligat ginen i Ofisinan Abugadu Henerat.

**Maproponen Amendasion Dibision Environmental Quality
Waterwaste Treatment yan Areklamento yan Regulasion Mandespuesto siha**


Fecha: 16 Abril 2009



Gregory Baka
Acting Abugadu Henerat

Pine'lo as:

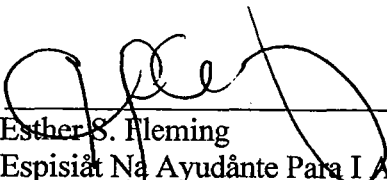
Fecha: 04-27-09



Esther M. San Nicolas
Rehistran Commonwealth

Marisibi gi Ofisinan Gobietno as:

Fecha: 4/27/09



Esther S. Fleming
Espisiat Na Ayudante Para I Atministrasion



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality

1st Floor Gualo Rai Commercial Building
 Chalan Pale Arnold, Gualo Rai



DIVISION OF ENVIRONMENTAL QUALITY
PROPOSED AMENDMENT OF THE
WASTEWATER TREATMENT AND DISPOSAL
RULES AND REGULATIONS.

Citation of Statutory Authority:

The Director of the Division of Environmental Quality (DEQ) proposes to amend the CNMI Wastewater Treatment and Disposal Rules and Regulations pursuant to the CNMI Environmental Protection Act, P.L. 3-23, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.

Short Statement of Goals and Objectives:

The purpose of this amendment is to update the percolation testing requirements and add certification requirements for persons performing percolation tests as a business, to update the wastewater treatment plant operator certification requirements to enable the CNMI to administer certification examinations, and to increase fees.

Brief Summary of the Proposed Regulations:

The revisions include: revisions included in the proposed amendment include the replacement of the existing percolation testing requirements; the addition of certification requirements for percolation testers; certification requirements for operators of wastewater treatment plants, including publicly owned plants, which will enable the CNMI to administer certification examinations; and increases to most fees.

For Further Information Contact:

Frank M. Rabauliman, Director, Division of Environmental Quality
 Phone: (670) 664-8500/8501, fax (670) 664-8540

Citation of Related and/or Affected Statutes, Regulations, and Orders:

Authorizing statutes are listed above. This action amends the CNMI's Wastewater Treatment and Disposal Rules and Regulations, at 24 Com. Reg. 19771 (November 27, 2002), Sections 3, 10, 19 and 26 only.

**Commonwealth of the Northern Mariana Islands
Wastewater Treatment and Disposal Rules and Regulations Amendments**

3.60 “Wastewater collection system” or “collection system” means pipelines or conduits, pumping stations and force mains, and all other related constructions, devices, and appliances used to conduct wastewater to a wastewater treatment system.

3.61 “Wastewater treatment facility” means any place(s) used to treat, neutralize, stabilize, or dispose of wastewater and residuals.

3.62 “Wastewater treatment system” means devices, structures, and equipment used to treat, neutralize, stabilize, or dispose of wastewater of wastewater and residuals.

3.63 “Wastewater system” means the system of pipes, structures, and equipment used to treat, neutralize, stabilize, or dispose of wastewater and residuals;

SECTION 6 IWDS AND OWTS PERMIT APPLICATION REQUIREMENTS

6.3 IWDS/OWTS permit application fees shall be in accordance with the following fee schedule. Payment of application fee is required at the time of submitting each permit application and is non-refundable. Fees shall be paid by check, and made payable to the Division. All CNMI government agencies, and semi-autonomous agencies such as the Public School System, CUC, Mayors' Office, MPLA, and MVA shall be exempt from payment of application fees. However, no agency is exempt from the requirement of these regulations unless specifically stated in these regulations.

IWDS/OWTS NEW PERMIT APPLICATION FEE TABLE

<u>SYSTEM TYPE</u>	<u>SERVICE LEVEL</u>	<u>APPLICATION FEE</u>
IWDS	SINGLE FAMILY/DUPLEX	\$ 50.00 75.00
IWDS	ALL OTHERS	\$ 400.00 450.00
OWTS	CONFINED ANIMAL FACILITIES	\$ 250.00 300.00
OWTS	“LARGE” CONFINED ANIMAL FACILITIES ¹	\$ 500.00 550.00
OWTS	ALL OTHERS	\$ 0.20 0.25 /gal. plant capacity

SECTION 10. PERCOLATION TESTING PROCEDURES

~~10.1 Dig or bore hole(s) with horizontal dimensions from 4 to 12 inches and vertical sides to the depth of the bottom of the proposed absorption area. Holes can be bored with a 4-inch to 12-inch diameter hand-held auger.~~

~~A portion of the test hole shall be dug to a depth at least four (4) feet below the bottom of the proposed absorption area.~~

~~10.2 Roughen or scratch the bottom and sides of the test hole(s) to provide a natural surface. Remove all loose materials from the hole. Place about two (2) inches of course sand or fine gravel in the bottom of the hole to prevent bottom scouring.~~

~~10.3 Fill the hole with clear water to a minimum depth of 12 inches over the gravel. By refilling, or by supplying a surplus reservoir of water (i.e., automatic siphon), keep water~~

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Amendments to Sections 3, 10, 19 and 26 only. All other section remain the same, and are omitted from this document.

SECTION 3 DEFINITIONS

- 3.53 “Available,” as used in Section 26, means that based on system size, complexity, and wastewater quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.**
- 3.54 “Certified Operator” means an individual who has passed an examination that tests their knowledge, skills, ability, and judgment as a wastewater operator for a particular classification level of wastewater treatment facility or wastewater collection system, and has been issued a certificate pursuant to Section 26 of these regulations.**
- 3.55 “Infiltrative practice” means any impoundment, excavation, depression, or subsurface system designed or intended to be used for the subsurface dispersion of water, wastewater, stormwater, or other liquids.**
- 3.56 “Operating shift” means that period of time during which operator decisions that affect human health, safety and welfare are necessary for proper operation of the system.**
- 3.57 “Operator” means a person engaged in the operation of a wastewater system; “operator” does not ordinarily mean an official, such as the city engineer or public works superintendent, exercising only general administrative supervision. Operator duties are varied and include but are not limited to operating wastewater process equipment, valves, pumps, engines and generators; cleaning of various process equipment for necessary unit process functions; taking wastewater samples; operating electrical controls; monitoring gauges, meters and control panels; recognition of process upsets and critical conditions in unit processes; determining and adjusting treatment process conditions using data, meter, and gauge readings; mixing of any chemicals required in treatment; and inspecting the facility for overall process conditions.**
- 3.58 “Responsible charge” – The operator(s) in responsible charge is defined as the person(s) designated by the owner to be certified operator(s) who makes decisions regarding the daily operational activities of a wastewater treatment and/or collection system that will directly impact the quality and/or quantity of wastewater.**
- 3.59 “Restrictive horizon” means a layer that significantly impedes movement of water through the subsurface. Layers that differ from overlying soil material enough to be considered restrictive horizons include (but are not limited to) volcanic bedrock, compacted soil, saprolite, and certain clayey soils.**

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~~in the hole for at least eight (8) hours, and preferably overnight. In granular soils, the percolation test can be made after the water from one (1) filling has seeped away.~~

- ~~10.4—Percolation rate measurements should be made on the day following the saturation process, except in sandy soils (conducted same day).~~
- ~~10.5—If water remains in the test hole on overnight saturation, adjust the depth of water to six (6) inches over the gravel. From a fixed reference point, measure the drop in water level at approximately 30-minute intervals over a 4-hour period. The drop which occurs during the final 30-minute period is used to calculate the percolation rate. If a soil or site is determined to be poorly drained with an accompanying high water table, it is unsuitable regardless of percolation test data.~~
- ~~10.6—If no water remains in the hole after overnight saturation, add clear water to a depth of six (6) inches over the gravel. From a fixed reference point, measure the height of the water surface at approximately 30-minute intervals over a four (4) hour period, refilling the hole to a depth of six (6) inches when the percolation rate indicates the hole will run dry before the next reading is made. The drop which occurs during the final 30-minute period is used to calculate the percolation rate.~~

~~If a hole must be refilled to obtain a final 30-minute reading, determine from the previous reading the water level drop during that interval and add water until the level above the bottom equals this figure plus one-half inch. Continue the test, measuring the drop during the final 30-minute period.~~

- ~~10.7—In sandy soils, or other soils in which the first 6 inches of water seep away in less than 30 minutes, the time interval between measurements can be taken as 10 minutes, and the test run over a period of one (1) hour. The drop which occurs in the final 10-minute period is used to calculate the percolation rate.~~

~~10.8~~ **10.1** Percolation tests shall be required in support of all multi-residential, commercial, and industrial IWDS applications.

~~10.9~~ **10.2** Percolation tests shall be required in support of all multi-residential, commercial, and industrial OWTS applications where the Applicant proposes subsurface disposal of the treated wastewater effluent.

~~10.10~~ **10.3** Percolation tests shall be required in support of all single family and duplex IWDS application EXCEPT where data from IWDS percolation tests conducted in accordance with these regulations and conducted within 250 feet of the proposed IWDS site, and in similar soils and geological conditions are submitted by the Applicant and can be verified by the Division.

10.4 Percolation Testing Manual: The August, 2007 DEQ Percolation Testing Manual (or its most recent version) shall be made available by the Division to provide detailed guidance as to procedures, safety, and certification requirements for

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percolation testers. The manual shall be available for free downloading on the internet or as a hard copy, for a reasonable fee which covers the costs of publication.

10.4 Number and Location of Tests:

10.4.1 Deep observation pit: The purpose of the deep observation pit is to expose the soil column to allow for detailed soil description and to check for potentially adverse conditions including high groundwater and restrictive horizons.

- a. **At least one (1) deep observation pit shall be required for most sites. Additional pits may be required for large facilities (over 1 acre), facilities that include multiple leaching fields or stormwater practices, or where varying soil conditions warrant additional pits.**
- b. **Deep observation pits are to be excavated to a minimum depth of 4 feet below the bottom of the proposed infiltrative practice. Excavation may stop if groundwater or another restrictive horizon is found within 3 feet of the bottom of the proposed infiltrative practice. Pits with a total depth greater than 5 feet are required to meet U.S. Occupational Safety and Health Administration (OSHA) excavation safety requirements. See percolation testing manual for safety guidance and "safety pit" designs.**
- c. **Pits in limestone may not be required if ALL of the following can be shown to apply: The bottom of the infiltrative practice (e.g., leaching field or stormwater infiltration practice) will be wholly in limestone; ground level is greater than 10 feet above mean sea level; and the proposed location of the infiltrative practice is not within 100 feet of a wetland, stream, or any area identified as volcanic rock or volcanic saprolite based on observation and/or USGS geological maps.**
- d. **The deep observation pit shall not be located within the potential footprint of the proposed infiltrative practice, or any other structure.**

10.4.2 Percolation test holes: The purpose of the percolation test hole(s) is only to measure percolation rate. The percolation test hole shall not be the same excavation as the deep observation pit, except as noted below.

- a. **For single-family residences, duplexes, and small facilities (with less than half an acre of proposed development) only one percolation test hole is required. However, three (3) percolation test holes are recommended for all applications to avoid instances of anomalously low or high measured percolation rates.**
- b. **Facilities which develop areas larger than one (1) acre will require at least three test holes. The total number of test holes needed depends on the size,**

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location, and number of infiltrative practices (e.g. leaching fields, ponding basins) proposed.

- c. The percolation test holes shall be located within the potential footprint of the proposed infiltrative practice. If three or more percolation tests are conducted, one test may be conducted within the deep observation pit.**

10.5 Percolation test procedures:

10.5.1 Excavation: The bottom of the initial excavation must be approximately 13 inches above the expected bottom of the leaching field or infiltrative practice. The percolation test hole is augered or hand-dug at the bottom of the excavation. Where three or more percolation tests are conducted, one test may be performed within the deep observation pit on a shelf dug into the entry ramp for this purpose. The shelf shall be at least 3 feet wide, and the test hole shall be bored / dug as far back from the shelf as possible. See percolation testing manual for illustration and guidance.

10.5.2 Percolation test hole: The percolation test hole shall be bored or dug starting from the bottom of the excavation, to a depth equal or close to that of bottom surface of the proposed leaching field or infiltrative practice.

a. Final diameter is 5.5 to 6.5 inches, after scraping. Larger sizes are acceptable, as they yield slower infiltration rates.

b. Depth is 13 to 14 inches below bottom of initial excavation.

c. Place 2 inches of pea-gravel over bottom.

10.5.3 The Division must be notified at least 24 hours in advance of the start of soaking of the test pit, and at its discretion, may monitor all or portions of the percolation test procedures. Notification must be by fax or hand-delivered note (forms available in percolation testing manual), and must include:

a. Directions (map) to site;

b. Estimated time that soaking will start; and

c. Estimated time that percolation test will begin.

10.5.4 Soaking: Fill hole with 12 in. of clear water (10 in. above the gravel)

a. If 10 in. of water seeps away twice in less than 10 min and soil is coarse-textured (sand, limestone), testing can be conducted immediately; otherwise:

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- b. For 6 inch diameter holes: maintain level (8-16 in.) overnight, or until 5 gallons have been absorbed.**
 - 1. Invert a full 5-gallon water bottle over the 8-10in. level after ensuring the bottle is well secured and surges will not scour the sides of hole.**
 - 2. In coarse-textured soils or limestone, with percolation rates of 15 to 60 inches per hour (iph), the bottle will be empty after about 1 hour or less; in 4 iph soils, after about 7 hr; in 0.67 iph soil, the bottle will not be empty the following day.**
- c. For larger diameter holes: Provide enough water to maintain level (8-16 in.) overnight. This may be considerably more than 5 gallons.**

10.5.5 Testing: Except as noted in 10.5.4 (a) and (b) above, begin testing after 15 hours and finish within 30 hours after beginning of soaking. Refill as necessary to obtain the minimum required number of measurements. Measure from a fixed reference point.

- b. Fill hole to about 8 inches from the bottom of the hole (6 inches from the top of gravel)**
- c. At regular, timed intervals, measure the drop in water level from the start time against a fixed reference point, using a removable measurement recording form, as provided in the percolation testing manual. Use a measurement interval that provides for a drop of 1 to 2 inches (a drop of less than 1 inch is unavoidable in clayey soils and other low permeability soils and rock)**

**TABLE 10.1: Suggested measurement intervals based on soil type
(actual interval used must be determined in field)**

<u>Soil type</u>	<u>Typical perc. rates (in./hr.)</u>	<u>Measurement Interval</u>	<u>Typical drop (in.)</u>
<u>Clayey soils</u>	<u>0.5 to 3.0</u>	<u>30 min.</u>	<u>0.25 to 1.5</u>
<u>Mixed limestone, alluvial sediments</u>	<u>4.0 to 10</u>	<u>10 min.</u>	<u>0.67 to 1.7</u>
<u>Clean limestone, silty sand</u>	<u>10 to 20</u>	<u>5 min.</u>	<u>0.83 to 1.7</u>
<u>Fractured limestone, sand</u>	<u>25 to 60</u>	<u>2 min.</u>	<u>0.83 to 2.0</u>
<u>Very fractured limestones, sands</u>	<u>60 +</u>	<u>1 min.</u>	<u>1.0 +</u>

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- d. Measure to the nearest 1/16th inch. Lower precision may be acceptable if results justify such imprecision (e.g., very fast percolation rates).**
- e. Make at least six consecutive measurements until three do not vary by more than 1/16th inch. (Lower precision may be acceptable if justified.) For slower soils using 30 minute measurement intervals, the test may be stopped after the initial three intervals if all are within 1/16th of an inch. For all other soils, the test may be stopped after recording 10 measurements.**

TABLE 10.2: Minimum number of measurements

<u>Soil type</u>	<u>Measurement Interval</u>	<u>Minimum number of measurements (drops)</u>
<u>"Slow" soils</u>	<u>30 min.</u>	<u>3 and all 3 within +/- 1/16th</u>
<u>'Fast' soils</u>	<u>10 min. or less</u>	<u>6 and final 3 within +/- 1/16th*</u>

TABLE 10.3: Maximum number of measurements

<u>Soil type</u>	<u>Measurement Interval</u>	<u>Minimum number of measurements (drops)</u>
<u>"Slow" soils</u>	<u>30 min.</u>	<u>6 (3 hours)</u>
<u>'Fast' soils</u>	<u>10 min.</u>	<u>10 (1 hr., 40 min.)</u>
	<u>5 min.</u>	<u>10 (50 min.)</u>
	<u>2 min.</u>	<u>10 (20 min.)</u>
	<u>1 min.</u>	<u>10 (10 min.)</u>

- f. The final percolation rate is the final drop measured, converted to inches per hour.**
- g. If multiple percolation tests have been performed, the final recommended design rate is the average of all tests performed for each particular infiltrative practice. If there are significant differences between percolation tests performed for any infiltrative practice, the percolation tester and/or engineer using the measurements must evaluate which rates to keep and which to discard, based on the following guidelines:**
 - 1. For very slow percolation rates (2 inches per hour or less), the lowest measured rate should be used instead of the average.**

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- 2. If any percolation measurement is less than 0.67 inches per hour, extra caution is warranted. Additional information such as past history of failed leaching fields in the area, or a soil profile indicating clayey soils or restrictive horizons may warrant selection of the lowest measured rate, even if that rate falls below the minimum allowable for construction under these regulations.**
- 3. Percolation rates that are much higher (faster) than others, particularly in limestone, should be discarded.**

10.6 Percolation test reporting: Percolation test reports must be submitted in the format provided by the Division (see the percolation testing manual), or in any other format containing substantially the same information. The test report must identify the results of all percolation tests and the final recommended percolation rate(s) to be used in the design of the infiltrative practices, along with an explanation of how the recommended rate was selected.

10.7 Certification

10.7.1 Percolation Testers: Any person performing percolation testing in support of an application for any permit under these regulations must possess a current Percolation Tester Certification issued by the Division. All percolation tests must be directly supervised, on-site, by the individual to whom the certification is issued. No delegation of percolation testing activities to persons not individually certified by the Division will be permitted, with the exception of excavation.

10.7.2 Site Evaluators: Reserved

10.7.3 Certification requirements

- a. A person seeking certification under this regulation shall submit an application to the Division on a form approved by the Division.**
- b. Percolation Testers: The Division will certify an applicant who has met the examination requirements of § 10.7.4 of these regulations and the experience and education requirements of § 10.7.5 of these regulations. Anyone in possession of a verified percolation testing certification issued by the Division between July 2007 and the date of publication of this regulation will also be certified upon re-application.**
- c. Site Evaluators: Reserved.**

10.7.4 Examination Requirements

- a. To be certified to perform percolation tests and report results, an applicant must pass both a written examination administered by the**

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Division and a hands-on test demonstrating the applicant's skills, knowledge, ability and judgment to perform such tests and report the results to designers and/or the Division.

b. Reserved [site evaluator examination requirements]

c. The applicant must obtain a minimum score of 70% on the written exam, and perform the hands-on test satisfactorily in order to pass the examination.

10.7.5 Education and Experience Requirements

a. To be certified to perform and report percolation tests, an applicant must have at least a high school diploma or the equivalent thereof, and at least one (1) year experience and/or ten (10) percolation tests under the supervision of a percolation tester certified under these regulations or under the supervision of DEQ personnel.

b. Reserved [site evaluator education and experience requirements]

10.7.6 Certificate term and renewal

a. A certificate and renewal issued under §§ 10.7.3 – 10.7.5 of these regulations is valid for a period of two years from the date of issuance.

b. The Division will renew a certificate only if the applicant has paid the required fee, and is otherwise in compliance with these regulations.

10.7.7 Certification fees

a. Percolation tester: The fee for initial application is \$50. The fee for on-time renewal is \$25 (paid on or before the date the certificate expires). The fee for late renewal is \$50.

b. Reserved [site evaluator]

10.7.8 Lapsed certificates

a. An applicant seeking renewal of a lapsed certificate shall submit a request for renewal within 90 days after the certificate lapses. Upon receipt of a valid request for renewal, including payment of the appropriate fee, the Division shall renew the certificate.

b. The Division will require reexamination of an applicant whose renewal application is received more than 90 days after the certificate lapses.

10.7.9 Revocation of certification

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a. After an investigation and review of the facts, and in accordance with all applicable Commonwealth laws and regulations, the Director may revoke the certification of a percolation tester for any of the following reasons:

- 1. The percolation tester has practiced fraud or deception, has, falsified percolation test measurements or soil profile observations, or falsified other records. A person committing such actions may be liable for civil or criminal penalties in accordance with 2 CMC § 3131(d) or other applicable law;**
- 2. The tester does not use, in the judgment of the Director, reasonable care, judgment, or the application of knowledge in the performance of the percolation tester's duties. The Director's reasons for such a determination shall be stated in detail and in writing at the time of revocation;**
- 3. The percolation tester fails to perform his duties with respect testing in compliance with the requirements of Division or with the requirements of any other agency or subdivision of the Commonwealth, as determined by a competent authority. The Director's reasons for such a determination shall be stated in detail and in writing at the time of revocation; or**
- 4. The certification of the percolation tester has expired.**

b. A percolation tester whose certificate is revoked may not apply for certification for 365 days after revocation. An application received under this subsection will be treated as an initial application.

SECTION 19. OWTS DESIGN AND CONSTRUCTION, AND TREATED WASTEWATER EFFLUENT RE-USE

19.5—All OWTS shall be under the direct supervision (i.e. on-site) of a licensed wastewater treatment plant operator, holding a valid license from any U.S. jurisdiction, and holding the appropriate operator certification level for the size and type of plant proposed. There shall be no exceptions to this standard.

SECTION 26 CERTIFICATION OF WASTEWATER SYSTEM OPERATORS

26.1 General Provisions

26.1.1 The purpose of this subpart is to assure that wastewater treatment and collection system operators are trained and certified, and that they have knowledge and understanding of the public health reasons for wastewater treatment and disposal standards.

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26.1.2 No later than March 1, 2010, owners of all OWTS must place the direct supervision of their OWTS system, including each treatment facility and/or collection system, under the responsible charge of an operator holding a valid certification equal to or greater than the classification of the treatment facility and/or collection system. "Alternative" OWTS may be excluded from the requirements in this section on a case-by-case basis as described in paragraph 19.9.1.

26.1.3 All operating personnel making process control/system integrity decisions about wastewater quality or quantity must be certified.

26.1.4 A designated certified operator must be available for each operating shift.

26.1.5 The Division may charge reasonable fees to cover the expenses of the certification program. These fees may include an initial application fee for new applicants, an exam fee if an exam is to be administered, and a renewal fee for an operator that is already certified.

26.2 Certification Requirements

26.2.1 A person seeking certification under this regulation shall submit an application to the Division on a form approved by the Division.

26.2.2 The Division will certify an applicant who has met either the examination requirements of § 26.2.3 of these regulations and the experience and education requirements of § 26.2.4 of these regulations, or the comity requirements of § 26.2.5 of these regulations. All applicants must submit the appropriate fees prior to certification.

26.2.3 Examination requirements

26.2.3.1 To be certified to operate a OWTS classified as Class 1 – Class 4 under § 26.3, an applicant must pass a validated examination that demonstrates the applicant's skills, knowledge, ability, and judgment to operate a system of that classification in compliance with the requirements of these regulations.

26.2.3.2 The applicant must obtain a minimum score of 70% on the exam in order to pass the examination.

26.2.3.3 An applicant may not take the same wastewater treatment or wastewater collection exam more than once within a span of 90 days.

26.2.3.4 The applicant must submit the exam fee for each exam before taking the exam.

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26.2.4 Education and experience requirements

26.2.4.1 To be certified as a Class 1 – Class 4 wastewater treatment plant operator or wastewater collection operator, an applicant must have at least a high school diploma or the equivalent thereof.

26.2.4.2 To be certified as an Operator-in-Training wastewater treatment plant operator or wastewater collection operator, an applicant must be enrolled in a high school degree program, or have at least a high school diploma or the equivalent thereof.

26.2.4.3 Experience requirements for each classification level of operator are outlined in the following Table 1 – Years of Experience for Certification at each Classification Level.

Table 1 - Years of Experience Required for Certification at each Classification Level					
Classification Level	OIT*	Class 1	Class 2	Class 3	Class 4
<u>Wastewater Treatment</u>	<u>0</u>	<u>1</u>	<u>3</u>	<u>4</u>	<u>4</u>
<u>Wastewater Collection</u>	<u>0</u>	<u>1</u>	<u>3</u>	<u>4</u>	<u>4</u>
<u>*OIT means Operator-In-Training. An operator certified at the OIT level is a certified operator, but can not be the supervising operator having responsible charge over an OWTS because the certification level is not at the classification level of the OWTS.</u>					

26.2.5 Comity requirements

26.2.5.1 The Division will recognize the certification of operators who have current wastewater operator certifications in good standing from any U.S. State, territory, or possession, or from the Association of Boards of Certification. Such recognition is termed comity certification.

26.2.5.2 The Division will determine the classification level that the operator qualifies to be recognized at based on the operator’s experience and education.

26.2.5.3 In order to be certified by comity in the Commonwealth, a certified operator must provide the Division with the following:

(a) A current and valid certificate documenting that the individual is a certified operator in any jurisdiction described in § 26.2.5.1 of these regulations;

(b) All support documents required by the original certifying authority to authenticate the qualifications of the operator; and

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(c) The appropriate fees.

26.2.6 Certificate term and renewal

26.2.6.1 A certificate and issued under the conditions of §§ 26.2.3 – 26.2.4 of these regulations, examination, experience and education requirements, is valid for a three-year period beginning January 1 of the year of issuance.

26.2.6.2 A certificate issued under the conditions of § 26.2.5 of these regulations, comity certification, is valid for the term of the original certificate or three years, whichever is less.

26.2.6.3 The Division will renew a certificate only if an operator has

(a) completed 10 contact hours of Division approved continuing education for every year that the certificate was valid (30 hours for a three year certificate);

(b) has paid the required fee; and

(c) is otherwise in compliance with these regulations.

A renewed certificate is valid for a three-year period beginning January 1 of the year of issuance.

26.2.7 Lapsed certificates

26.2.7.1 An operator who seeks renewal of a lapsed certificate shall submit a request for renewal within 180 days after the certificate lapses. Upon receipt of a valid request for renewal, including proof of compliance with §26.2.6.3 of these regulations and payment of the appropriate fee, the Division shall renew a certificate.

26.2.7.2 The Division will require reexamination of an operator whose renewal application is received more than 180 days after the certificate lapses.

26.2.8 Revocation of operator certification

26.2.8.1 After an investigation and review of the facts, and in accordance with all applicable Commonwealth laws and regulations, the Director may revoke the certification of an operator for any of the following reasons:

(a) The operator has practiced fraud or deception, has tampered with wastewater samples, falsified analytical data, or

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falsified other operating records. A person committing such actions may be liable for civil or criminal penalties in accordance with 2 CMC §3131(d) or other applicable law;

(b) The operator does not use, in the judgment of the Director, reasonable care, judgment, or the application of knowledge in the performance of the operator's duties. The Director's reasons for such a determination shall be stated in detail and in writing at the time of revocation;

(c) The operator does not perform duties in a manner that meets wastewater treatment and disposal compliance requirements of Commonwealth laws and regulations. The Director's reasons for such a determination shall be stated in detail and in writing at the time of revocation; or

(d) The certification of the operator has expired or is no longer valid in the original jurisdiction from which their certification was issued.

26.2.8.2 An operator whose certificate is revoked may not apply for certification for 365 days after revocation. An application received under this subsection will be treated as an initial application.

26.3 Classification of OWTS. The treatment facility(ies) and the collection system(s) of an OWTS are classified separately as follows.

26.3.1 A wastewater treatment facility is classified as a Class 1, Class 2, Class 3, or Class 4 treatment facility in accordance with Table 1 (Classification of Treatment Facilities).

Table 1 – Classification of Treatment Facilities	
Type of Treatment*	Class of Treatment Facility
30 points and less	Class 1
31-55 points	Class 2
56-75 points	Class 3
76 points and greater	Class 4
* See Appendix A to Section 26 for the Wastewater Treatment Plant Point Rating System	

26.3.2 A wastewater collection system is classified as a Class 1, Class 2, Class 3, or Class 4 collection system in accordance with Table 2 (Classification of Collection Systems).

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Table 2 - Classification of Collection Systems	
Population Served by Water System	Class of Collection System
1,500 and less	Class 1
1,501 to 15,000	Class 2
15,001 to 50,000	Class 3
50,001 and greater	Class 4

Appendix A to Section 26: Wastewater Treatment Plant Point Rating System

Item	Points
<u>Size (2 point minimum to 20 point maximum)</u>	
<u>Maximum population equivalent (PE) or part served, peak day (1 point minimum to 10 point maximum)</u>	<u>1 pt per 10,000 or part</u>
<u>Design flow average day or peak month's part flow average day, whichever is larger (1 point minimum to 10 point maximum)</u>	<u>1 pt per MGD or part</u>
<u>Variation in raw waste (0 point minimum to 6 point maximum)¹</u>	
<u>Variations do not exceed those normally or typically expected</u>	<u>0</u>
<u>Recurring deviations or excessive variations of 100 to 200 % in strength and/or flow</u>	<u>2</u>
<u>Recurring deviations or excessive variations of more than 200% in strength and/or flow</u>	<u>4</u>
<u>Raw wastes subject to toxic waste discharges</u>	<u>6</u>
<u>Impact of septage or truck-hauled waste (0 point minimum to 4 point maximum)</u>	
<u>Preliminary Treatment</u>	
<u>Plant pumping of main flow</u>	<u>3</u>
<u>Screening, comminution</u>	<u>3</u>
<u>Grit removal</u>	<u>3</u>
<u>Equalization</u>	<u>1</u>
<u>Primary Treatment</u>	
<u>Clarifiers</u>	<u>5</u>
<u>Imhoff tanks or similar</u>	<u>5</u>
<u>Secondary Treatment</u>	
<u>Fixed-film reactor</u>	<u>10</u>
<u>Activated sludge</u>	<u>15</u>
<u>Stabilization ponds without aeration</u>	<u>5</u>
<u>Stabilization ponds with aeration</u>	<u>8</u>
<u>Tertiary Treatment</u>	
<u>Polishing ponds for advanced waste treatment</u>	<u>2</u>
<u>Chemical/physical advanced waste treatment w/o secondary</u>	<u>15</u>
<u>Chemical/physical advanced waste treatment following secondary</u>	<u>10</u>
<u>Biological or chemical/biological advanced waste treatment</u>	<u>12</u>
<u>Nitrification by designed extended aeration only</u>	<u>2</u>
<u>Ion exchange for advanced waste treatment</u>	<u>10</u>
<u>Reverse osmosis, electrodialysis and other membrane filtration techniques</u>	<u>15</u>

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<u>Advanced waste treatment chemical recovery, carbon regeneration</u>	<u>4</u>
<u>Media filtration</u>	<u>5</u>
<u>Additional Treatment Processes</u>	
<u>Chemical additions (2 points each for a maximum of 6 points)</u>	<u>6</u>
<u>Dissolved air flotation (for other than sludge thickening)</u>	<u>8</u>
<u>Intermittent sand filter</u>	<u>2</u>
<u>Recirculating intermittent sand filter</u>	<u>3</u>
<u>Microscreens</u>	<u>5</u>
<u>Generation of oxygen</u>	<u>5</u>
<u>Solids Handling</u>	
<u>Solids stabilization</u>	<u>5</u>
<u>Gravity thickening</u>	<u>2</u>
<u>Mechanical dewatering</u>	<u>8</u>
<u>Anaerobic digestion of solids</u>	<u>10</u>
<u>Utilization of digester gas for heating or cogeneration</u>	<u>5</u>
<u>Aerobic digestion of solids</u>	<u>6</u>
<u>Evaporative sludge drying</u>	<u>2</u>
<u>Solids reduction (including incineration, wet oxidation)</u>	<u>12</u>
<u>On-site landfill for solids</u>	<u>2</u>
<u>Solids composting</u>	<u>10</u>
<u>Land application of biosolids by contractor</u>	<u>2</u>
<u>Land application of biosolids under direction of facility operator in direct responsible charge</u>	<u>10</u>
<u>Disinfection (0 point minimum to 10 point maximum)</u>	
<u>Chlorination or ultraviolet irradiation</u>	<u>5</u>
<u>Ozonation</u>	<u>10</u>
<u>Effluent Discharge (0 point minimum to 10 point maximum)</u>	
<u>Mechanical post aeration</u>	<u>2</u>
• <u>Direct recycle and reuse</u>	<u>6</u>
• <u>Land treatment and disposal (surface or subsurface)</u>	<u>4</u>
<u>Instrumentation (0 point minimum to 6 point maximum)</u>	
<u>The use of SCADA or similar instrumentation systems to provide data with no process operation</u>	<u>0</u>
<u>The use of SCADA or similar instrumentation systems to provide data with limited process operation</u>	<u>2</u>
<u>The use of SCADA or similar instrumentation systems to provide data with moderate process operation</u>	<u>4</u>
<u>The use of SCADA or similar instrumentation systems to provide data with extensive or total process operation</u>	<u>6</u>
<u>Laboratory Control (0 point minimum to 15 point maximum)²</u>	
<u>Bacteriological/biological (0 point minimum to 5 point maximum)</u>	
• <u>Lab work done outside the plant</u>	<u>0</u>
• <u>Membrane filter procedures</u>	<u>3</u>
• <u>Use of fermentation tubes or any dilution method; fecal</u>	<u>5</u>

**Commonwealth of the Northern Mariana Islands
Wastewater Treatment and Disposal Rules and Regulations Amendments**

<u>coliform determination</u>	
<u>Chemical/physical (0 point minimum to 10 point maximum)</u>	
• <u>Lab work done outside the plant</u>	<u>0</u>
• <u>Push-button or visual methods for simple tests such as pH, settleable solids</u>	<u>3</u>
• <u>Additional procedures such as DO, COD, BOD, gas analysis, titrations, solids, volatile content</u>	<u>5</u>
• <u>More advanced determination such as specific constituents; nutrients, total oils, phenols</u>	<u>7</u>
• <u>Highly sophisticated instrumentation such as atomic absorption, gas chromatography</u>	<u>10</u>

- ¹ The key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms or strength, toxicity, shock loads, l/l, with points from 1 to 6.
- ² The key concept is to credit laboratory analyses done on-site by plant personnel under the direction of the operator in direct responsible charge with points from 0 to 15.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2009-03

DECLARATION OF A STATE OF DISASTER EMERGENCY: COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION AND OTHER FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

CONTINUATION #8

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect the Governor's preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20 through -22., and EO 2009-01 and -02. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

I find that:

1. All findings and conclusions of EO 2008-10, -13, -17, -20 through -22 and of EO 2009-01 and -02 are incorporated by reference.
2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, diesel-fired power generators, pursuant to CUC contract # CUC-PG-08-CO16. This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipe-fitters, and the related personnel, materials and supplies. Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies.
3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would trigger renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, thereby effecting a shut-down of this required 15 MW of capacity. There is no indication that any of the above situation will be resolved in the next month.
4. CUC faces additional challenges due to the failure of its electric distribution facilities.
 - a. In particular, the transformer feeding the Chalan Kiya distribution transformer requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the prison, the Courthouse and Public Safety offices, water wells in the Airport area and the Ayingan Point sewage treatment facilities. CUC is trying to settle matters with the vendor and get the facility fixed as soon as possible.
 - b. The distribution system lacks airbrake switches and reclosures on each of its 7 circuits, or feeders, so that small feeder faults trip breakers at Power Plant #1, bringing large parts of the system off-line. The new equipment has been specified and has been procured, with some arriving this week; but it will take months to install new equipment. (See below, paragraph 6.)

- c. During January Saipan experienced 22 hours of partial blackouts and one 4-hour whole-island blackout. In February Saipan experienced 23 hours of partial field outages, but no whole island blackout. Some of the outages were necessary, scheduled outages. Virtually all of these outages were due to deteriorated power distribution hardware. CUC is developing a program to fix the hardware, but must do within financial constraints and other priorities. Also, the service trucks have been failure-prone, interfering with service and repair of other facilities. There is no indication that any of the above situation will be resolved in the next month.
5. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed. The removal must comply with federal environmental law. CUC lacks the internal capability to carry out the removal and must contract for these services. A related concern is the effect on the structural integrity of Tank 104 which drawing down its contents will create; suggesting that the proper plan and contractor are critical. In the meantime, CUC is trying to reduce its 2800 drums of used oil through incineration. There is no indication that any of the above situation will be resolved in the next month
6. CUC continues to occasionally lose generation capacity, which creates intermittent blackouts on portions of its system.
- a. The Island of Saipan lost power on January 10 when poorly maintained protective devices in the distribution system failed, and protective relays at Power Plant #1's busbar also failed, thereby exposing the generators to a transient, causing the generators' own relays to trip. (See above, paragraph 4.b.) CUC knows that these devices can protect its capacity and the customers' equipment, and that proper equipment can manage such issues in seconds, but it lacks the equipment and the manpower for a proper protective system.
 - b. CUC continues to rehabilitate Power Plant #1 engine/unit No. 7 with CUC staff and is preparing units 5 and 1 for rehabilitation by ordering the parts and services required. Meanwhile CUC tries to maintain and rehabilitate the operating units to adequately meet load. CUC has lacked the funds to buy all needed parts to avoid outages, and lacked the contractors or in-house staff to carry out complete maintenance and repair. However, with federal assistance, CUC has begun to make inroads.

Declaration of Disaster Emergency: CUC Continuation 8

- c. A major challenge to carrying out this rehabilitation will be finding as soon as possible the 8 more mechanics and 8 more operators who are needed to carry out this project and run the equipment. They must be ready for service when needed and they must be affordable. But there is a shortage of such US professionals with experience with CUC's type of engines. CUC will try to hire diesel mechanics in the CNMI and train them. Presently CNMI law (PL 16-14) prohibits CUC from hiring any more non-US technical workers than the 19 skilled professionals presently with CUC. CUC plans to ask the Legislature for relief from this statute regulating the Government's workforce.
 - d. Two engines remain operational at Power Plant #1 and one at Power Plant #2, with a combined capacity of 11.5 MW. CUC is presently test loading two units at PP #1 (numbers 3 and 7). As soon as they are operational, however, the maintenance team will be taking out operating units 6 and 8, and perform emergency repairs to keep them still in an operating condition until the parts are received for a proper overhaul. This means that PP #4 and the Aggreko units are essential to meeting Saipan load of about 40 MW.
 - e. There is no indication that any of the above situation will be resolved in the next month.
7. The water/wastewater division has been negatively impacted during the past month, and no relief is in sight for the next month:

- a. CUC cannot serve all of its water customers because it lacks water pumps, which have been ordered and only some have come from the Mainland. Hundreds of recently-installed water meters which were to allow CUC to properly bill for actual usage have failed due to their insufficiency for humid, saline climates. While the well-respected supplier, Severn-Trent, has agreed to replace the failed meters, and has sent 700 meters so far, this replacement will take time. A collapsed well in As Matuis is limiting service to customers in As Matuis, Tanapag and Puerto Rico. A failed well pump on Capital Hill is limiting service; The ordered replacement has not arrived. The water well drill rig is presently out of service, awaiting parts and service. Lack of spare parts has resulted in modest intermittent shortages in such areas as Papago, Chalan Galade and Upper Navy Hill. There is no indication that this situation will be resolved in the next month.
- b. The transfer switches that keep the wastewater system's pumps going are largely inoperable, due to age, lack of maintenance or damage, and a lack of trained personnel. The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance. While the Agingan Point treatment plant waits for delivery of drive components so that staff can repair the

non-functioning clarifier, staff have fabricated drives from a junked 20-year old unit. The solids inventory has stabilized, but the plant is still operating outside of limits for BOD and enterococci. The Sadog Tasi Plant's solids handling equipment still awaits proper parts, so, in the meantime the staff jury-rigged treatment equipment from scrap material. Tons of biosolids still must be processed later. The aeration system is compromised by large leaks. The bids for the projected rehab of Sadog Tasi were just reviewed. The amounts offered were substantially in excess of CUC's projected budget, requiring a halt to the project schedule, and a rethinking of the project. There is no indication that this situation will be resolved in the next month.

8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D.N.M.I. filed Nov. 19, 2008), *comment period extended to Jan. 31, 2009* (Order of Dec. 23, 2008), *as reported in 73 Fed. Reg. 80427* (No. 251; 12/31/2008). *See also* [http://www.usdoj.gov/enrd/Consent Decrees.html](http://www.usdoj.gov/enrd/Consent%20Decrees.html). In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only portions of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. Continued electric service revenues are critical, because Commonwealth Public Utilities Commission Staff have determined that CUC presently runs its water/wastewater system at a \$7 million per year loss. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month.

9. CUC faces additional, critical challenges in the water/wastewater area. Failures of key aspects of the systems could harm our people and our ability to meet our commitments to the EPA and the federal district court.

- a. As of this writing, 4 pumps are out of service at CUC water wells. CUC staff are trying to diagnose the problems and develop immediate solutions.
- b. Materials have entered the wastewater collection pipes through pipe failure. Pipe failures result from age (some over 30 years old) and undue corrosion. For instance, the iron pipe for the main pumping station to the Agingan Point Wastewater Treatment Plant failed completely after only six years of service. Sewage lift stations are vulnerable.

- c. There are no backup pumps for sewage transport. The backup generators in the wastewater treatment plants have failed and do not function. CUC has put out a work order for assessment and potential repair of the generators, with scope and cost unknown.
- d. While CUC staff are working hard to fix these problems, CUC lacks the manpower or available funding to fully address these conditions.
- e. Present water rates cannot fund the electricity required to run the combined system, let alone the needed fixes listed in this document. New water rates, presented to the Commonwealth Public Utility Commission (CPUC) by CUC and CPUC Staff, are described to only partially provide for full cost recovery, due to the potential “rate shock” effect of 100% full cost rates. Due to billing lag, those rates would not produce meaningful revenues for 60 days.

10. The CPUC, upon the stipulation of its consulting staff, Georgetown Consulting Group, and CUC, issued a partial rate case opinion and order on December 19, 2008. *Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters, Decision and Order* (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's rates for three-to-six months, including CUC's fuel clause rates. The order provides for collection of revenue to cover: diesel oil purchases at a delivered price of 17 cents/kwh; some volatility in the market for CUC's sole fuel, diesel oil; development of a 30-day inventory fuel “cushion”; and development of a restricted reserve to be used solely to improve the efficiency of CUC's power plants. There are escape valve provisions of the order, but these have not yet been tested. If the Commission order's estimated oil price rate is too low, CUC could be prevented from purchasing needed supplies and material, including oil, during the period between the perceived price rise and the entry of a CPUC emergency order. Such a contingency would impede CUC's ability to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko, and to begin steps to meet the above-referenced federal consent order. CUC must continue to pay cash for oil, often weekly. CUC is only just beginning to develop cash reserves pursuant to the new rates from the December rate order, due to peculiarities of its billing system, which CUC intends to fix. CUC's and the CPUC's developing relationship suggests that funding required personnel, material and supplies. The prior Directive 2 sought to insure that CUC would be able to function fully in an emergency power situation without CPUC, but did not intend to sideline important CPUC regulatory activity. In order to clarify the broad scope of the CPUC's power and authority, and the limited reasons for restrictions during this disaster emergency, Directive 2 should be clarified. .

11. The CPUC's Contract Protocol Order of December 19, 2008, agreed to by CUC, also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active

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Declaration of Disaster Emergency: CUC Continuation 8

procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency, particularly if the 35-day approval period were observed (para. 2(c)); however, due to continued interaction between CUC and the CPUC it is thought that the two agencies will be able to communicate on all but the most sudden of emergencies. Clarification of the revised Directive 2 is required to allow for emergency procurements.

12. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

(f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

I direct:

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Declaration of Disaster Emergency: CUC Continuation 8

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a written finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, CPUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, as amended, and orders issued under either are suspended insofar as they would require the CPUC's advance approval of CUC contracts and other procurement measures which: (1) relate to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency; and (2) are in an amount of less than \$350,000. Except that the \$350,000 limitation on the suspension shall itself be lifted if the following takes place: the CUC Executive Director makes a written finding that such compliance is not feasible for purposes of responding to an emergency. Thereafter, within three days, or as soon thereafter as emergency conditions allow, the Executive Director shall file details of the procurement activity with the CPUC.

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less.

Directive 4: All regulatory statutes and regulations relating to the Aggreko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved.

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters:

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

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Declaration of Disaster Emergency: CUC Continuation 8

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiya-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon.

Directive 8: Directive 2, regarding the CPUC's authority, is modified, as indicated above.

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the CPUC or the CPUC's issuance of a certificate of convenience and necessity. Each of these CPUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime.

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

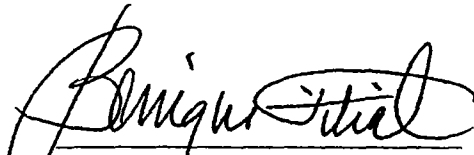
By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power equipment into service.

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Declaration of Disaster Emergency: CUC Continuation 8

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 31st day of March 2009.



BENIGNO R. FITIAL
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2009-02

**DECLARATION OF A STATE OF DISASTER EMERGENCY:
COMMONWEALTH UTILITIES CORPORATION'S
IMMINENT GENERATION AND OTHER FAILURE AND THE NEED
TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS**

CONTINUATION #7

I, TIMOTHY P. VILLAGOMEZ, pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect the Governor's preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20 through -22., and EO 2009-01. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

I find that:

1. All findings and conclusions of EO 2008-10, -13, -17, -20 through -22 and of EO 2009-01 are incorporated by reference.
2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, diesel-fired power generators, pursuant to CUC contract # CUC-PG-08-CO16. This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipe-fitters, and the related personnel, materials and supplies. Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies.
3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would trigger renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, thereby effecting a shut-down of this required 15 MW of capacity. There is no indication that any of the above situation will be resolved in the next month.
4. CUC faces additional challenges due to the failure of its electric distribution facilities.
 - a. In particular, the transformer feeding the Chalan Kiya distribution transformer requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the, the prison, the Courthouse and Public Safety offices, water wells in the Airport area and the Agingan Point sewage treatment facilities. CUC is trying to settle matters with the vendor and get the facility fixed as soon as possible.
 - b. The distribution system lacks airbrake switches and reclosures on each of its 7 circuits, or feeders, so that small feeder faults trip breakers at Power Plant #1, bringing large parts of the system off-line. The new equipment has been specified but has not yet been procured, and may need special, expedited treatment. (See below, paragraph 6.)

- c. During January Saipan experienced 22 hours of partial blackouts and one 4-hour whole-island blackout. In February Saipan experienced 23 hours of partial field outages, but no whole island blackout. Some of the outages were necessary, scheduled outages. Virtually all of these outages were due to deteriorated power distribution hardware. CUC is developing a program to fix the hardware, but must do within financial constraints and other priorities. There is no indication that any of the above situation will be resolved in the next month.

5. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed. The removal must comply with federal environmental law. CUC lacks the internal capability to carry out the removal and must contract for these services. A related concern is the effect on the structural integrity of Tank 104 which drawing down its contents will create; suggesting that the proper plan and contractor are critical. In the meantime, CUC is trying to reduce its 2800 drums of used oil through incineration. There is no indication that any of the above situation will be resolved in the next month

6. CUC continues to occasionally lose generation capacity, which creates intermittent blackouts on portions of its system.

- a. The Island of Saipan lost power on January 10 when poorly maintained protective devices in the distribution system failed, and protective relays at Power Plant #1's busbar also failed, thereby exposing the generators to a transient, causing the generators' own relays to trip. (See above, paragraph 4.b.) CUC knows that these devices can protect its capacity and the customers' equipment, and that proper equipment can manage such issues in seconds, but it lacks the equipment and the manpower for a proper protective system.
- b. CUC continues to rehabilitate Power Plant #1 engine/unit No. 7 with CUC staff and is preparing units # 5 and #1 for rehabilitation by ordering the parts and services required. Meanwhile CUC tries to maintain and rehabilitate the operating units to adequately meet load. CUC has lacked the funds to buy all needed parts to avoid outages, and lacked the contractors or in-house staff to carry out complete maintenance and repair. However, with federal assistance, CUC has begun to make inroads.
- c. A major challenge to carrying out this rehabilitation will be finding as soon as possible the 8 more mechanics and 8 more operators who are needed to carry out this project and run the equipment. They must be ready for service

when needed and they must be affordable. But there is a shortage of such US professionals with experience with CUC's type of engines. CUC will try to hire diesel mechanics in the CNMI and train them. Presently CNMI law (PL 16-14) prohibits CUC from hiring any more non-US technical workers than the 19 skilled professionals presently with CUC. CUC plans to ask the Legislature for relief from this statute regulating the Government's workforce.

- d. Two engines remain operational at Power Plant #1 and one at Power Plant #2, with a combined capacity of 11.5 MW. This means that PP #4 and the Aggreko units are essential to meeting Saipan load of about 40 MW.
- e. There is no indication that any of the above situation will be resolved in the next month.

7. The water/wastewater division has been negatively impacted during the past month, and no relief is in sight for the next month:

- a. CUC cannot serve all of its water customers because it lacks water pumps, which have been ordered and which must come from the Mainland. Hundreds of recently-installed water meters which were to allow CUC to properly bill for actual usage have failed due to their insufficiency for humid, saline climates. While the well-respected supplier, Severn-Trent, has agreed to replace the failed meters, and has sent staff here, this replacement will take time. Collapsed wells in As Matus are limiting service to customers in Tanapag and Puerto Rico. The water well drill rig is presently out of service, awaiting service. Lack of spare parts has resulted in intermittent shortages in such areas as Papago and Navy Hill. There is no indication that this situation will be resolved in the next month.
- b. The transfer switches that keep the wastewater system's pumps going are largely inoperable, due to age, lack of maintenance or damage. The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance. The Agingan Point treatment plant is waiting for delivery of drive components so that staff can repair the non-functioning clarifier. The solids inventory continues to increase, with the plant operating outside of limits for BOD and enterococci. The Sadog Tasi Plant's solids handling equipment is still down, with solids stored in a containment tank, to be processed later. The aeration system is compromised by large leaks. The bids for the projected rehab of Sadog Tasi were just reviewed. The amounts offered were substantially in excess of CUC's projected budget, requiring a halt to the project schedule, and a rethinking of the project. There is no indication that this situation will be resolved in the next month.

8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D.N.M.I. filed Nov. 19, 2008), *comment period extended to Jan. 31, 2009* (Order of Dec. 23, 2008), *as reported in* 73 Fed. Reg. 80427 (No. 251; 12/31/2008). *See also* http://www.usdoj.gov/enrd/Consent_Decrees.html. In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only portions of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month.

9. CUC faces additional, critical challenges in the water/wastewater area. Failures of key aspects of the systems could harm our people and our ability to meet our commitments to the EPA and the federal district court.

- a. As of this writing, 8 pumps are out of service at CUC water wells. CUC staff are trying to diagnose the problems and develop immediate solutions.
- b. Materials have entered the wastewater collection pipes through pipe failure. Pipe failures result from age (some over 30 years old) and undue corrosion. For instance, the iron pipe for the main pumping station to the Agingan Point Wastewater Treatment Plant failed completely after only six years of service. Sewage lift stations are vulnerable.
- c. There are no backup pumps for sewage transport. The backup generators in the wastewater treatment plants have failed and do not function. CUC has put out a work order for assessment and potential repair of the generators, with scope and cost unknown.
- d. While CUC staff are working hard to fix these problems, CUC lacks the manpower or available funding to fully address these conditions.
- e. Present water rates cannot fund the electricity required to run the combined system, let alone the needed fixes listed in this document.

10. The Commonwealth Public Utility Commission (CPUC), upon the stipulation of its consulting staff, Georgetown Consulting Group, and CUC, issued a partial rate case opinion and order on December 19, 2008. *Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters*, Decision and Order (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's rates for three-to-six months, including CUC's fuel clause rates. The order provides for collection of revenue to cover: diesel oil purchases at a delivered price of 17 cents/kwh; some volatility in the market for CUC's sole fuel, diesel oil; development of a 30-day inventory fuel "cushion"; and development of a restricted reserve to be used solely to improve the efficiency of CUC's power plants. If the Commission order's estimated oil price rate is too low, CUC could be prevented from purchasing needed supplies and material, including oil, during the period between the perceived price rise and the entry of a CPUC emergency order. Such a contingency would impede CUC's ability to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko, and to begin steps to meet the above-referenced federal consent order. CUC must continue to pay cash for oil, often weekly. CUC will not begin to develop cash reserves pursuant to the rate order until 45 days after the first month's new fuel rate levels are in effect. This revenue has started to come in, but, due to the billing lags inherent in CUC's systems, only very modest revenue has been received.

11. The CPUC order also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency.

12. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

(f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

I direct:

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, PUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, are hereby suspended insofar as they would require the PUC's advance review or approval of CUC contracts and other measures relating to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency.

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less.

Directive 4: All regulatory statutes and regulations relating to the Agrekko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each

EO 2009-02

Declaration of Disaster Emergency: CUC Continuation 7

agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved.

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters:

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiya-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon.

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the PUC or the PUC's issuance of a certificate of convenience and necessity. Each of these PUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime.

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as

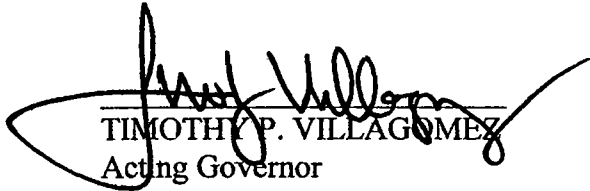
EO 2009-02

Declaration of Disaster Emergency: CUC Continuation 7

practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power equipment into service.

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 1st day of March 2009.



TIMOTHY P. VILLAGOMEZ
Acting Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2008-22

DECLARATION OF A STATE OF DISASTER EMERGENCY: COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION AND OTHER FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

CONTINUATION #5

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect my preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, -20, and -21. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

I find that:

1. All findings and conclusions of EO 2008-10, -13, -17, -20, and -21 are incorporated by reference.
2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, diesel-fired power generators, pursuant to CUC contract # CUC-PG-08- CO16. This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipefitters, and the related personnel, materials and supplies. Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies.
3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would have triggered renewed rolling blackouts for Saipan. Eliminating the declaration would place CUC, Aggreko, and their employees and contractors, in the position of violating CNMI environmental regulations, effecting a shut-down of this required 15 MW of capacity.
4. The CUC is facing additional challenges due to the failure of its electric production and distribution facilities. In particular, the transformer feeding the Chalan Kiya distribution transformer requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the water wells in the Airport area and the Agingan Point sewage treatment facilities. CUC suffered 30 hours of distribution system failures during December, one of which created a one-hour blackout to the entire island of Saipan on December 22.
5. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed. The removal must comply with federal environmental law. CUC lacks the internal capability to carry out the removal and must contract for these services.

6. CUC continues to occasionally lose generation capacity, which creates intermittent blackouts on portions of its system. During the month of November CUC lost more than 4 MW to scheduled maintenance at Power Plant #4 and forced outages at Power Plant #1. CUC has lacked the funds to buy all needed parts to avoid such outages, and lacked the contractors or in-house staff to carry out complete maintenance and repair. There is no indication that this situation will be resolved in the next month.

7. The water division has been negatively impacted during the past month, and no relief is in sight for the next month: CUC cannot serve all of its customers because it lacks water pumps, for which a request for quotations is pending. Sewage lines have been blocked by customers flushing grease and oil, and CUC lacks the proper equipment to remove the blockages. CUC lacks sewage pipes, so that there are gaps in its sewage transport system. The transfer switches that keep the wastewater system's pumps going are largely inoperable, due to age, lack of maintenance or deliberate damage. The two wastewater treatment plants have been effectively compromised due to age and lack of maintenance. Hundreds of recently-installed water meters which were to allow CUC to properly bill for actual usage have failed due to their insufficiency for humid, saline climates. While the well-respected supplier, Severn-Trent, has agreed to replace the failed meters, this replacement will take time. There is no indication that this situation will be resolved in the next month.

8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D.N.M.I. Nov. 19, 2008). In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only parts of these systems. CUC's ability to buy and install needed parts and materials rests on its ability to continue to generate revenue; it cannot afford to shut down or lose the revenues from any of its services. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month.

9. The Commonwealth Public Utility Commission (CPUC), upon the stipulation of its consulting staff, Georgetown Consulting Group, and CUC, issued a partial rate case opinion and order this month. *Investigation of the Commonwealth Utilities Corporation's Electric Rate Structure and Related Matters*, Decision and Order (CPUC Dec. 19, 2008). The order, in effect, freezes CUC's rates for three-to-six months, including CUC's fuel clause rates. The order

provides for collection of revenue to cover: diesel oil purchases at a delivered price of 17 cents/kwh; some volatility in the market for CUC's sole fuel, diesel oil; development of a 30-day inventory fuel "cushion"; and development of a restricted reserve to be used solely to improve the efficiency of CUC's power plants. If the Commission order's estimated oil price rate is too low, CUC could be prevented from purchasing needed supplies and material, including oil, during the period between the perceived price rise and the entry of a CPUC emergency order. Such a contingency would impede CUC's ability to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko, and to begin steps to meet the above-referenced federal consent order. CUC must continue to pay cash for oil weekly. CUC will not begin to develop cash reserves pursuant to the rate order until 45 days after the first month's new fuel rate levels are in effect.

10. The CPUC order also provides for the Commission's advance review and approval of CUC procurements in excess of \$350,000 and for each year's aggregate capital budget. The order provides that currently active procurements will not be affected by the advance approval requirement. In some circumstances such advance review and approval could impede CUC's resolution of an emergency.

11. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

(f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict

compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;

(3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

I direct:

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, PUC, Public Auditor, and Legislative review.

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, are hereby suspended insofar as they would require the PUC's advance review or approval of CUC contracts and other measures relating to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency.

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less.

Directive 4: All regulatory statutes and regulations relating to the Agrekko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved.

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Declaration of Disaster Emergency: CUC Continuation 5

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters:

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiya-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon.

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the PUC or the PUC's issuance of a certificate of convenience and necessity. Each of these PUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime.

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power

EO 2008-22

Declaration of Disaster Emergency: CUC Continuation 5

equipment into service.

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 31st day of December 2008.



BENIGNO R. FITIAL
Governor

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2008-21

DECLARATION OF A STATE OF DISASTER EMERGENCY: COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

CONTINUATION #4

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

This Executive Order is intended to, and does, continue in effect my preceding disaster emergency declarations on this matter, EO 2008-10, -13, -17, and -20. As more fully stated below, this Executive Order shall expire on the 31st day following the date of my signature. The following findings and conclusions further support continuation.

I find that:

1. All findings and conclusions of EO 2008-10, -13, -17, and -20 are incorporated by reference.
2. CUC's contractor, Aggreko, has commissioned approximately 15 MW of temporary, diesel-fired power generators, pursuant to CUC contract # CUC-PG-08- CO16. This generation has meant the difference between rolling blackouts and generally continuous electric service to CUC customers. Because unforeseen technical issues have arisen periodically, there have been some forced outages. Although the Aggreko installation is professionally managed, events can occur which require the attention of non-CUC personnel, including security, pipefitters, and the related personnel, materials and supplies. Other issues may arise that will require rapid attention by CUC contractors and the securing of materials and supplies, particularly as 2 MW additional of Aggreko capacity have been delivered and connected to CUC's system.
3. Although CUC desires to comply in advance with environmental and land use regulations, the lack of permits and the permitting process would have postponed or eliminated the in-service date and uninterrupted service provided by the Aggreko power generating equipment. In particular, taking Aggreko's units off line, while undergoing the time and expense of computer modeling of the emissions of Lower Base power plants, would have triggered renewed rolling blackouts for Saipan.
4. The CUC is facing additional challenges due to the failure of its electric production and distribution facilities. In particular, the transformer feeding the Chalan Kiya distribution transformer requires immediate maintenance. Its failure could plunge the south end of Saipan into lengthy blackouts, including the water wells in the Airport area and the Agingan Point sewage treatment facilities.
5. CUC has determined that its Tank 104 used oil facility is structurally unsound and must be emptied of its used oil in advance of severe weather, particularly a serious typhoon, to avoid any potential harm to the Commonwealth's waters, including the Lagoon. Further, there are 2,800 sealed barrels of used oil nearby which must also be removed. The removal must comply with federal environmental law. CUC lacks the internal capability to carry out the removal and must contract for these services.
6. CUC continues to occasionally lose generation capacity, which creates intermittent blackouts on portions of its system. During the month of November CUC lost more than 4 MW to scheduled maintenance at Power Plant #4 and forced outages at Power Plant #1. CUC has

lacked the funds to buy all needed parts to avoid such outages, and lacked the contractors or in-house staff to carry out complete maintenance and repair. There is no indication that this situation will be resolved in the next month.

7. The water division has been negatively impacted during the past month, and no relief is in sight for the next month: CUC cannot serve all of its customers because it lacks water pumps, for which a request for quotations is pending. Sewage lines have been blocked by customers flushing grease and oil, and CUC lacks the proper equipment to remove the blockages. CUC lacks sewage pipes, so that there are gaps in its sewage transport system. There is no indication that this situation will be resolved in the next month.

8. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division has sued CUC in federal court to come into compliance with critical water and sewage treatment requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D.N.M.I. Nov. 19, 2008). In July 2008 CUC, the CNMI and (in September 2008) the U.S. Environmental Protection Agency (EPA) have stipulated to two orders lodged with the U.S. District Court on the date the Complaint was filed. These orders require CUC to implement a series of improvements to its water and wastewater systems that respond to years of neglect, for which it presently lacks the funds and the complete technical capability. CUC requires a constant supply of electricity to run its water and wastewater treatment systems. CUC has very limited on-site emergency generation capability for only parts of these systems. While CUC intends to do everything it can to comply with the federal requirements, there is no indication that this situation will be resolved in the next month.

9. The consulting staff of the Commonwealth Public Utility Commission (PUC), Georgetown Consulting Group, issued a comprehensive rate case report on November 26, 2008 (Ch.S.T.), recommending that the PUC, in effect, freeze CUC's rates for 6 months, including CUC's fuel clause rates. Presently CUC's fuel rates fluctuate month-to-month, to pass through to the customers the increases and decreases which CUC experiences in the world price of oil. The rate freeze will prevent CUC from purchasing needed supplies and material, and, if world oil prices rise from the relatively low, economic-depression-based oil rate levels during that period, will prohibit CUC from buying the oil required to power all of its generators, including the generators of its three IPPs, Telesource, PMIC and Aggreko. CUC must anticipate the possibility that world oil prices will rise during the next 6 months, and must pay cash for oil every 22 days. CUC has no cash reserves with present rate levels.

10. This Declaration is still necessary to protect the health and safety of our children, our senior citizens, businesses and all other CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

(f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

I direct:

Directive 1: CUC shall comply with CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, except as follows:

Upon a finding by the CUC Executive Director that such compliance is not feasible for purposes of responding to the State of Disaster Emergency, the CUC Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are suspended as to such CUC procurements. CUC must fully document all such procurement activity for Executive, PUC, Public Auditor, and Legislative review.

EO 2008-21

Declaration of Disaster Emergency: CUC Continuation 4

Directive 2: The Commonwealth Public Utility Commission Act of 2006, Pub. L. 15-35, as amended, and the new CUC Act, Pub. L. 16-17, are hereby suspended insofar as they would require the PUC's advance review or approval of CUC contracts and other measures relating to the supply of power or the operation and maintenance of CUC's system during the State of Disaster Emergency.

Directive 3: CUC is specifically empowered to execute any wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less.

Directive 4: All regulatory statutes and regulations relating to the Agrekko temporary wholesale generation power contract, # CUC-PG-08-CO16, which CUC determines in writing will interfere with the deployment, in-service dates, and/or operation of the temporary power production facilities, are hereby suspended, except that CUC must within 30 days provide to me in writing its plan for compliance, and a copy of each agency's permits or a complete explanation why compliance has not yet been achieved and how it will be achieved.

Directive 5: CUC shall notify as soon as possible by email after each procurement governed by Directive 1, at least the following persons, advising of at least the following matters:

a: Persons: The Governor, President of the Senate, Speaker of the House, Public Auditor; and

b: Matters: Subject of the procurement; contractors and/or suppliers; amounts involved; the extent to which competitive bids or proposals were used; and short description of the reason for the action.

Directive 6: CUC shall procure as soon as practicable the necessary technical expertise and other labor, parts and materials to remedy the failings of its Chalan Kiyá-related distribution facilities.

Directive 7: CUC shall procure with all deliberate speed the contractors necessary to remove used oil from Tank 104 and the hundreds of nearby barrels; and, in particular, shall take every measure to insure that a typhoon shall not cause any of that oil to pollute the Lagoon.

As stated in EO 2008-10, Pub. L. 16-9 removed substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. That law amends the Commonwealth PUC Act

EO 2008-21

Declaration of Disaster Emergency: CUC Continuation 4

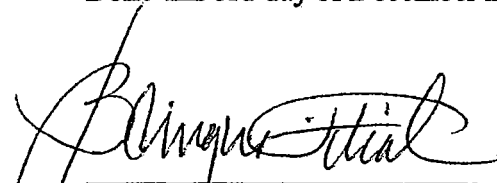
of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC might sign an emergency wholesale power generation contract for two years or less without pre-review of the PUC or the PUC's issuance of a certificate of convenience and necessity. Each of these PUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime.

I determined that, if CUC could immediately execute such a contract, it could quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By disaster declaration EO-2008-10 I intended to enable CUC, within the definitions of Pub. L. 16-9, to sign a power contract with the appropriate "person".

By today's disaster emergency declaration, I intend to enable CUC, within the intent of Pub. L. 16-9, to continue to implement the temporary power contract which it signed. The purpose is to make the electric system as reliable as practicable, as soon as practicable, during the period of repair of CUC's generators. I also intend that government leaders be kept informed as to the operation of the temporary power equipment into service.

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 3rd day of December 2008.



BENIGNO R. FITIAL
Governor

0 Exec Ord 2008-21 CUC Disaster Emergency continuation 4 (3Dec08).wpd



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PUBLIC NOTICE

22
April 16, 2009
G.B.

To: General Public, All Immigration Personnel
From: Gregory Baka, Acting Attorney General
Re: Excluded Locations under Immigration Regulations

Pursuant to Immigration Regulation Section 804(B), notice is hereby given that the Attorney General hereby designates the following locations as Excluded Locations:

- Afghanistan
- Algeria
- Bahrain
- Bangladesh
- Cuba
- Egypt
- Eritrea
- Fujian Province - China
- Indonesia
- Iran
- Iraq
- Jordan
- Kuwait
- Lebanon
- Libya
- Morocco
- Myanmar
- Nigeria
- North Korea
- Oman
- Pakistan
- Qatar
- Saudi Arabia
- Somalia
- Sri Lanka
- Sudan
- Syria
- Tunisia
- Venezuela
- United Arab Emirates
- Yemen

Under Immigration Regulation § 804(C) waivers are issued on a case-by-case basis. However, when a location appears on the list of Excluded Locations the presumption is in favor of excluding all persons seeking to enter the CNMI from those locations. For the information of the general public, below I have outlined some of the factors that will be considered when exercising my discretion in deciding whether to grant or deny a request for a waiver of the exclusion. Note that 1) this is a non-exhaustive list, and that there may be other relevant factors considered in making the decision, 2) an applicant may satisfy one or more of the factors but still be denied for other reasons, and 3) this list does not create any rights, nor should it create an expectation that a waiver will be granted if factors on the list are satisfied by an applicant. Also, the applicant must comply with all other requirements of the Immigration Regulations in the application process, including the mandatory bonding, sponsor requirements, etc.

For visitors entering the Commonwealth pursuant to a Visitor's Entry Permit (VEP):

Visitors may be allowed entry for humanitarian reasons such as attendance at a funeral or brief visits between a parent and child.

Visitors in transit to embark on commercial fishing or other vessels from a seaport in the CNMI, or crew members of a commercial air or sea vessel may be allowed entry pursuant to a prior agreement between the Attorney General's Office, Division of Immigration and an approved agent for the employer.

Tourists entering under the Electronic Visitor Entry Permit Program when the application has been subjected to scrutiny and approval by the Division of Immigration and all entry requirements under statute, regulation, and any additional requirements stated in any Memorandum of Understanding regarding Electronic Visa Waivers have been met.

For persons applying for entry as alien workers:

The applicant must show that the presence of the worker will substantially benefit the Commonwealth. This benefit must be specific and related to significantly improving the quality of life or economy in the Commonwealth. The ordinary contributions of an alien worker made during the course of employment do not constitute adequate grounds for waiver.

The prospective worker must have knowledge, skills, or abilities that cannot be found in the population present in the Commonwealth, and the applicant must demonstrate that it is not feasible to hire a person of similar knowledge, skills or abilities from a non-excluded location.

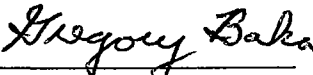
The fact that a prospective worker shares language, culture, or traditions in common with other workers or company management does not constitute adequate grounds for a waiver. The fact that the prospective worker is a relative of the applicant does not constitute adequate grounds.

The fact that a person has been granted a waiver under § 804 for one immigration classification (eg. Tourist) does not guarantee that a waiver will be granted for another purpose (eg. Immediate Relative, student, contract worker, etc.). Generally, any request for a change of status or immigration classification of a person entering the Commonwealth from an excluded location will be denied, and may subject the sponsor of the alien to an assessment against the bond posted pursuant to § 804 (C)(1)(a.).

Special Conditions under Immigration Regulation 804 (C)(2).

Special conditions to be required may include notification that the Division of Immigration may not allow that visitor to change status or immigration classification while in the Commonwealth, such as from Short- or Long-term Tourist to Immediate Relative, Foreign Investor, student, etc. Under no circumstances will a person entering on a tourist status be allowed to transfer to a nonresident worker classification unless the person departs the Commonwealth and separately applies for the new position, which application will be reviewed *de novo*. Special conditions may also prohibit the issuance of a tourist extension and may require adherence to the itinerary submitted with the VEP application. Other conditions may be imposed when deemed appropriate under the circumstances.

Respectfully submitted,



GREGORY BAKA
Acting Attorney General
Commonwealth of the Northern Mariana Islands