

of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 USC 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Honduras under the TPS program will be available at local INS offices upon publication of this notice and the INS National Customer Service Center at 1-800-375-5283. This information will also be posted on the INS website at <http://www.ins.usdoj.gov>.

Dated: April 30, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02-11130 Filed 5-1-02; 12:59 pm]

BILLING CODE 4410-10-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2196-02; AG Order No. 2578-2002]

RIN 1115-AE26

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Nicaragua under the Temporary Protected Status (TPS) Program will expire on July 5, 2002. This notice extends the Attorney General's designation of Nicaragua for 12 months until July 5, 2003, and sets forth procedures necessary for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) with TPS to re-register for the additional 12-month period. Re-registration is available only to persons who registered under the initial Nicaragua TPS designation, which ended on July 5, 1999, or registered after that date under the late initial registration provisions, and timely re-registered under each subsequent extension. Nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have not previously applied for TPS may be eligible to apply for TPS under late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Nicaragua is effective July 5, 2002, and will remain in effect until July 5, 2003. The 60-day re-registration period begins May 3, 2002 and will remain in effect until July 2, 2002.

FOR FURTHER INFORMATION CONTACT:
Emily Crowder Frazelle, Program

Analyst, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3040, Washington, DC 20536, telephone (202) 514-4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Nicaragua Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of a designation, or any extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer continues to meet the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C. 1254a(b)(3)(C).

Why Did the Attorney General Decide To Extend the TPS Designation for Nicaragua?

On January 5, 1999, the Attorney General initially designated Nicaragua under the TPS program for a period of 18 months based on the severe flooding and mudslides caused by Hurricane Mitch (64 FR 526). The fierce storm that swept through the country killed more than 3,000 people, left 150,000 people homeless, and washed away roads, bridges, schools, and hospitals. Immigration and Naturalization Service (INS) Resource Information Center, Recommendation to Extend (April 2000). Following the initial designation, the Department of Justice kept a close watch over the progress of reconstruction in Nicaragua and consulted with relevant government agencies regularly. The Attorney General extended the Nicaragua TPS designation twice, on May 11, 2000 (65 FR 30440) and May 8, 2001 (66 FR 23271). Each decision to extend the TPS designation was made on the determination that the conditions that warranted TPS designation initially continued to exist.

After the extension of Nicaragua's TPS designation on May 8, 2001, the Departments of State and Justice continued to monitor the conditions in that country. Prior to his decision to extend the Nicaragua TPS designation, the Attorney General consulted appropriate government agencies to determine whether conditions

warranting the TPS designation continue to exist in Nicaragua. Although there are strong indications of progress in recovery efforts, recent droughts as well as flooding from Hurricane Michelle in 2001 compounded the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 6,000 nationals.

This assessment is consistent with a recent Department of State report that found that although reconstruction efforts have occurred, in the last year drought and another hurricane significantly affected Nicaragua's full recovery from Hurricane Mitch. Recommendation for Extension of TPS (March 22, 2002). The severe flooding alone affected more than 25,000 people and damaged over 3,000 houses, hampering reconstruction efforts following Hurricane Mitch. *Id.*

Additionally, an Immigration and Naturalization Service (INS) Resource Information Center report dated March 2002 found that “[d]roughts and flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic and social problems initially brought on by Hurricane Mitch in 1998.” The report also concludes that “[t]hese disasters, added to other serious natural disasters during the intervening years, have produced major problems in food insecurity and unemployment of citizens.” *Id.* Additionally, the

Department of State reports that while the reconstruction projects for Hurricane Mitch funded by the United States are nearly complete, other donor projects continue. For example, the European Union began its disbursement of Hurricane Mitch reconstruction funding only in December 2001. This delay in acquiring foreign aid prevented rapid completion of reconstruction. Hurricane Michelle and the drought exacerbated the situation. Consequently, the conditions under which Nicaragua was designated for TPS have not ceased to exist and, therefore, Nicaragua remains temporarily unable to handle adequately the return of its nationals.

Based on this review, the Attorney General, after consultation with appropriate government agencies, finds that the conditions that prompted designation of Nicaragua under the TPS program continue to be met, and a 12-month extension is warranted. 8 U.S.C. 1254a(b)(3)(C). There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua as a result of environmental disaster, and Nicaragua continues to be unable, temporarily, to handle

adequately the return of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i)–(ii). On the basis of these findings, the Attorney General concludes that the TPS designation for Nicaragua should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS Through the Nicaragua TPS Program, Do I Still Re-register for TPS?

Yes. If you already have been granted TPS through the Nicaragua TPS program, your status will expire on July 5, 2002. Accordingly, you must re-register for TPS in order to maintain

your status through July 5, 2003. See the following re-registration instructions.

If I am Currently Registered for TPS, How Do I Reregister for an Extension?

All persons previously granted TPS under the Nicaragua program who wish to maintain such status must apply for an extension by filing (1) a Form I-821, Application for Temporary Protected Status, without the filing fee; (2) a Form I-765, Application for Employment Authorization; and (3) two identification photographs (1 1/2 inches x 1 1/2 inches). See the chart below to determine whether you must submit the one hundred and twenty dollar (\$120)

filing fee with the Form I-765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the fifty dollar (\$50) fingerprint fee. Children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must pay the fifty dollar (\$50) fingerprint fee with the application for extension.

Submit the completed forms and applicable fee, if any, to the INS service center office having jurisdiction over your place of residence during the 60-day re-registration period that begins May 3, 2002 and ends July 2, 2002 (inclusive of such end date).

If—	Then—
You are applying for employment authorization until July 5, 2003	You must complete and file the Form I-765, Application for Employment Authorization, with the \$120 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file Form I-765 with no fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Form I-765 with no fee and (2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. A national of Nicaragua (or alien having no nationality who last habitually resided in Nicaragua) who is otherwise eligible for TPS and has applied for, or plans to apply for, asylum, but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's ability to apply for TPS, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B)(i).

Does This Extension Allow Nationals of Nicaragua (or Aliens Having No Nationality Who Last Habitually Resided in Nicaragua) Who Entered the United States After December 30, 1998, To Apply for TPS?

No. This is a notice of an extension of the TPS designation for Nicaragua, not a notice of re-designation of Nicaragua under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to those who are not already TPS class members. To be eligible for

benefits under this extension, Nicaraguans (or aliens having no nationality and who last habitually resided in Nicaragua) must have resided continuously in the United States since December 30, 1998 and have been continuously physically present in the United States since January 5, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2. To apply for late initial registration an applicant must:

- (1) Be a national of Nicaragua (or alien who has no nationality and who last habitually resided in Nicaragua);
- (2) Have been continuously physically present in the United States since January 5 1999;
- (3) Have continuously resided in the United States since December 30, 1998; and
- (4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the initial registration period from January 5, 1999, through July 5, 2000, he or she:

- (1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;
- (2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for parole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must file an application for late registration within a 60-day period immediately following the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Nicaragua Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(1)(B), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Nicaragua for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Nicaragua under section 244(b) of the Act is extended for an additional 12-month period from July 5, 2002, to July 5, 2003. 8 U.S.C. 1254a(b)(3)(C).

(2) There are approximately 6,000 nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have been granted TPS and who are eligible for re-registration.

(3) To maintain TPS, a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) who received TPS during the initial designation period must re-

register for TPS during the 60-day re-registration period from May 3, 2002 until July 2, 2002.

(4) To re-register, the applicant must file the following: 1) Form I-821, Application for Temporary Protected Status; 2) Form I-765, Application for Employment Authorization; and 3) two identification photographs (1½ inches by 1½ inches). There is no fee for a Form I-821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred and twenty dollars (\$120) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I-765. An applicant who does not request employment authorization must nonetheless file Form I-765 along with Form I-821, but is not required to submit the fee. The fifty dollar (\$50) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2.

(5) At least 60 days before this extension terminates on July 5, 2003, the Attorney General will review the designation of Nicaragua under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 U.S.C 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Nicaragua under the TPS program will be available at local INS offices upon publication of this notice and the INS National Customer Service Center at 1-800-375-5283. This information will also be published on the INS website at <http://www.ins.usdoj.gov>.

Dated: April 30, 2002.

John Ashcroft,
Attorney General.

[FR Doc. 02-11129 Filed 5-1-02; 12:59 pm]

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DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used

in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed in Volume and States:

Volume IV

Ohio

OH020032 (May 3, 2002)
OH020033 (May 3, 2002)
OH020034 (May 3, 2002)
OH020035 (May 3, 2002)
OH020036 (May 3, 2002)
OH020037 (May 3, 2002)
OH020038 (May 3, 2002)

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the department of labor is withdrawing, from the date of this notice, General Wage Determination No. KY020048. See KY020001.

Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.