

removal or deportation proceedings to apply for such relief, without regard to the time and number limitations on motions to reopen.

NACARA also requires that the Attorney General designate a specific time period for filing motions to reopen for such relief beginning no later than 60 days after the date of enactment of NACARA and extending for a period not to exceed 240 days. See section 309(g) of IIRIRA, as amended by section 203(c) of NACARA.

#### Who Is Eligible To File a Motion To Reopen Under Section 203 of NACARA?

As set forth in section 309(c)(5)(i) of IIRIRA, as amended by section 203 of NACARA, the following people may be eligible to file a motion to reopen to apply for suspension of deportation or cancellation of removal under the special rules of section 203 of NACARA, if they have not been convicted at any time of an aggravated felony:

1. Nationals of El Salvador who:
  - a. first entered the United States on or before September 19, 1990;
  - b. registered for ABC benefits or Temporary Protected Status (TPS) on or before October 31, 1991; and
  - c. were not apprehended after December 19, 1990, at time of entry.
2. Nationals of Guatemala who:
  - a. first entered the United States on or before October 1, 1990;
  - b. registered for ABC benefits on or before December 31, 1991; and
  - c. were not apprehended after December 19, 1990 at time of entry.
3. Nationals of Guatemala or El Salvador who applied for asylum with INS on or before April 1, 1990.
4. Nationals of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia who:
  - a. entered the United States on or before December 31, 1990;
  - b. applied for asylum on or before December 31, 1991; and
  - c. at the time of filing were a national of any of the countries listed above.
5. Spouses and children of a person granted suspension of deportation or cancellation of removal who is described under classes 1-4 above.
6. Unmarried sons and daughters of a parent granted suspension of deportation or cancellation of removal who is defined under classes 1-4 above, if the unmarried son or daughter was 21 years or older at the time the parent was granted suspension of deportation or cancellation of removal. The unmarried

sons and daughters must have entered the U.S. on or before October 1, 1990.

#### Procedures for Reopening

The Attorney General has designated the period from January 16, 1998, until September 11, 1998, for eligible aliens to file a motion to reopen pursuant to NACARA. Eligible aliens may file only one such motion. The front page of the motion and any envelope containing the motion should include the notation "Special NACARA Motion." The fee for motions to reopen (currently \$110) will be waived for eligible aliens under section 203 of NACARA.

If an alien has previously filed an application for suspension of deportation or cancellation of removal with the Immigration Judge or the Board of Immigration Appeals, he or she must file a copy of that application or a new application with the motion to reopen. If the motion to reopen is granted and the alien has previously filed an application, the alien will not be required to pay a new filing fee for the suspension/cancellation application.

If an alien has not previously filed an application for suspension of deportation or cancellation of removal, the alien must submit a new application with the motion to reopen. Nothing in this notice changes the requirements and procedures in 8 CFR 3.31(b), 103.7(b)(1), and 240.11(f) for paying the application fee for suspension/cancellation after a motion to reopen is granted if such an application was not previously filed. If an alien is required to submit a new application form, the alien should submit an Application for Suspension of Deportation (Form EOIR-40), whether he or she is in deportation or removal proceedings.

#### Grants of Suspension and Cancellation Under NACARA Not Conditional

Section 304(a)(3) of IIRIRA required that grants of suspension/cancellation be subject to a numerical limitation of 4,000 per fiscal year. Section 240A(e)(3) of the Immigration and Nationality Act, as amended by section 204(a) of NACARA, however, provides that applications for suspension of deportation and cancellation of removal granted pursuant to section 203 of NACARA are not subject to that annual limitation. Therefore, notwithstanding the provisions of 8 CFR 240.21, grants of suspension and cancellation pursuant to section 203 of NACARA shall be made without condition.

Dated: January 15, 1998.

**Janet Reno,**

*Attorney General.*

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## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP(OJP)-1152]

#### Fiscal Year 1998 Program Plan for the Office of Justice Programs

**AGENCY:** Office of Justice Programs, Justice.

**ACTION:** Notice of availability of Program Plan.

**SUMMARY:** The Fiscal Year 1998 Program Plan for the Office of Justice Programs is now available on the Internet and in hard copy.

**FOR FURTHER INFORMATION CONTACT:** The Office of Congressional and Public Affairs, 810 7th St., N.W., Washington, D.C. 20531. Telephone (202) 307-0703. Facsimile (202) 514-5958.

**SUPPLEMENTARY INFORMATION:** The Assistant Attorney General for the Office of Justice Programs (OJP) is pleased to announce that the OJP Program Plan for Fiscal Year 1998 is now available both on the Internet and in hard copy. This Program Plan details the various programs that OJP funds and supports.

The Program Plan is available from the OJP website at <http://www.ojp.usdoj.gov/Plan>. Printed copies can be obtained from the address above.

Dated: January 14, 1998.

**Laurie Robinson,**

*Assistant Attorney General, Office of Justice Programs.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket Number ICR 98-1]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Student Data Form**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an