an agreement if the fee did not exceed $27 under § 1026.52(b)(1)(ii)(A) and $38 under § 1026.52(b)(1)(ii)(B), through December 31, 2017.

F. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $27 under § 1026.52(b)(1)(ii)(A) and $38 under § 1026.52(b)(1)(ii)(B), through December 31, 2018.

G. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $28 under § 1026.52(b)(1)(ii)(A) and $39 under § 1026.52(b)(1)(ii)(B), through December 31, 2019.

H. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $29 under § 1026.52(b)(1)(ii)(A) and $40 under § 1026.52(b)(1)(ii)(B), through December 31, 2020.

3. *Delinquent balance for charge card accounts.* Section 1026.52(b)(1)(ii)(C) provides that, when a charge card issuer that requires payment of outstanding balances in full at the end of each billing cycle has not received the required payment for two or more consecutive billing cycles, the card issuer may impose a late payment fee that does not exceed three percent of the delinquent balance. For purposes of § 1026.52(b)(1)(ii)(C), the delinquent balance is any previously billed amount that remains unpaid at the time the late payment fee is imposed pursuant to § 1026.52(b)(1)(ii)(C). Consistent with § 1026.52(b)(2)(ii), a charge card issuer that imposes a fee pursuant to § 1026.52(b)(1)(ii)(C) with respect to a late payment may not impose a fee pursuant to § 1026.52(b)(1)(ii)(B) with respect to the same late payment. The following examples illustrate the application of § 1026.52(b)(1)(ii)(C):

i. Assume that a charge card issuer requires payment of outstanding balances in full at the end of each billing cycle and that the billing cycles for the account begin on the first day of the month and end on the last day of the month. At the end of the June billing cycle, the account has a balance of $1,000. On July 5, the card issuer provides a periodic statement disclosing the $1,000 balance consistent with § 1026.7. During the July billing cycle, the account is used for $300 in transactions, increasing the balance to $1,300. At the end of the July billing cycle, no payment has been received and the card issuer imposes a $25 late payment fee consistent with § 1026.52(b)(1)(ii)(A). On August 5, the card issuer provides a periodic statement disclosing the $1,325 balance consistent with § 1026.7. During the August billing cycle, the account is used for $200 in transactions, increasing the balance to $1,525. At the end of the August billing cycle, no payment has been received. Consistent with § 1026.52(b)(1)(ii)(C), the card issuer may impose a late payment fee of $40, which is 3% of the $1,325 balance that was due at the end of the August billing cycle. Section 1026.52(b)(1)(ii)(C) does not permit the card issuer to include the $200 in transactions that occurred during the August billing cycle.

ii. Same facts as above except that, on August 25, a $100 payment is received. Consistent with § 1026.52(b)(1)(ii)(C), the card issuer may impose a late payment fee of $37, which is 3% of the unpaid portion of the $1,325 balance that was due at the end of the August billing cycle ($1,225).

iii. Same facts as in paragraph A above except that, on August 25, a $200 payment is received. Consistent with § 1026.52(b)(1)(ii)(C), the card issuer may impose a late payment fee of $34, which is 3% of the unpaid portion of the $1,325 balance that was due at the end of the August billing cycle ($1,125). In the alternative, the card issuer may impose a late payment fee of $35 consistent with § 1026.52(b)(1)(ii)(B). However, § 1026.52(b)(2)(ii) prohibits the card issuer from imposing both fees.

* * * * *

Dated: July 17, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2020–15900 Filed 8–18–20; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 882 and 895

[Docket No. FDA–2016–N–1111]

Medical Devices; Petition for an Administrative Stay of Action: Electrical Stimulation Devices for Self-Injurious or Aggressive Behavior

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; notification of administrative stay.

SUMMARY: The Food and Drug Administration (FDA or Agency) is providing notice of a stay of the effectiveness of provisions for devices in use on specific individuals who have or would need to obtain a physician-directed transition plan as of the date of publication on March 6, 2020, of the final regulation banning electrical stimulation devices (ESDs) for self-injurious or aggressive behavior. FDA is publishing this notification in response to petitions for an administrative stay of action in accordance with regulatory requirements.

DATES: FDA is administratively staying temporarily the final regulation published on March 6, 2020 (85 FR 13312), for those devices in use on specific individuals as described in **SUPPLEMENTARY INFORMATION**. FDA will publish a document in the **Federal Register** lifting the stay or taking further action as needed.

ADDRESSES: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Rebecca Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1540, Silver Spring, MD 20993–0002, 301–796–6527, *rebecca.nipper@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 6, 2020 (85 FR 13312), FDA issued a final regulation banning electrical stimulation devices (ESDs) for self-injurious behavior (SIB) or aggressive behavior (AB). This final regulation provided two operational dates. The ban is in effect for all devices as of April 6, 2020, 30 days after the date of publication. However, for devices in use on specific individuals as of the date of publication and subject to a physician-directed transition plan, compliance is required on September 2, 2020, 180 days after the date of publication of the final rule.

FDA received two requests under 21 CFR 10.35 to immediately and indefinitely stay these dates for the final regulation banning ESDs for SIB or AB. The first petition, dated March 20, 2020, is from Eckert Seamans Cherin & Mellot, LLC on behalf of their client, the Judge Rotenberg Educational Center, Inc. (JRC) (see Docket No. FDA–2020–P–1166). As described below, FDA temporarily granted this petition (JRC petition) in part on March 27, 2020. The second petition, dated March 24, 2020, is from Todd & Weld, LLP on behalf of their clients the parents and guardians of certain patients at JRC, as well as the patients themselves, and the JRC Parents and Friends Association, Inc. (see

Docket No. FDA–2020–P–1181). This petition (Parent petition) was routed for review and response after FDA's March 27, 2020, letter granting JRC's request for a stay in part. Although filed by different parties, the Parent petition requested the same action as the JRC petition and did not necessitate a different response or change in the stay FDA granted in response to the JRC petition. Both petitions request a stay based on all four criteria for a mandatory stay or, alternatively, based on being ''in the public interest and in the interest of justice'' for a discretionary stay (§ 10.35 (21 CFR 10.35(e))). Because the petitions request the same action for substantially similar reasons, FDA has determined that its March 27, 2020, response to the JRC petition is equally applicable to the Parent petition. FDA notes that both sets of petitioners filed legal challenges to the ban in the U.S. Court of Appeals for the D.C. Circuit, which challenges have now been consolidated before that court.

By a letter dated March 27, 2020, FDA responded to the JRC petition granting in part a discretionary temporary stay. As the letter states, it is in the public health interest and interest of justice to stay the compliance date for devices subject to the ban that are currently in use on specific individuals who would need to obtain a physician-directed transition plan to cease use of such devices. The stay is in the public interest and interest of justice because of the ongoing national emergency caused by ''severe acute respiratory syndrome coronavirus 2'' (SARS–CoV–2) and the disease it causes ''Coronavirus Disease 2019 (COVID–19).'' Specifically, the creation or implementation of a physician-directed transition plan has the potential to increase the risk of transmission or exposure to COVID–19, and it may divert healthcare delivery resources from other uses during the pandemic.

The stay is intended to remain in effect for the duration of the public health emergency related to COVID–19 declared by HHS, including any renewals made by the Secretary in accordance with section 319(a)(2) of the PHS Act (42 U.S.C. 247d(a)(2)). Once the public health emergency ends, FDA will substantively respond to the petitions, and issue another notification in the **Federal Register**, if necessary, in accordance with § 10.35. If the public health emergency ends while the consolidated legal challenge in the D.C. Circuit is still pending, the stay will continue in effect until: (1) FDA substantively responds to the petitions and (2) if FDA does not grant the petitions, the parties have had adequate time and reasonable opportunity to obtain a ruling from the D.C. Circuit regarding a stay of FDA's response to the petitions.

FDA's partial stay is limited to those devices currently in use on specific individuals who have or would need to obtain a physician-directed transition plan to cease use of such devices in order to comply with the final regulation banning ESDs. For all other devices, the ban became effective on, and required compliance by, April 6, 2020.

Dated: July 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–16595 Filed 8–17–20; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 50

[Docket No. OAG 165; AG Order No. 4769–2020]

Prohibition on the Issuance of Improper Guidance Documents Within the Justice Department

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Interim final rule; request for comments.

SUMMARY: This rule codifies in the regulations of the Department of Justice (''Department'') the Memorandum for All Components from Attorney General Jefferson B. Sessions III titled, ''Prohibition on Improper Guidance Documents'' (Nov. 16, 2017), consistent with Executive Order 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents'' (Oct. 9, 2019).

DATES: *Effective date:* This rule is effective August 19, 2020. *Comments:* Comments are due on or before September 18, 2020.

ADDRESSES: To ensure proper handling of comments, please reference Docket No. OAG 165 on all electronic and written correspondence. The Department encourages the electronic submission of all comments through *https://www.regulations.gov* using the electronic comment form provided on that site. For easy reference, an electronic copy of this document is also available at that website. It is not necessary to submit paper comments that duplicate the electronic submission, as all comments submitted to *https://www.regulations.gov* will be posted for public review and are part of the official docket record. However, should you wish to submit written comments through regular or express mail, they should be sent to: Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW, Washington, DC 20530. Comments received by mail will be considered timely if they are postmarked on or before September 18, 2020. The electronic Federal eRulemaking portal will accept comments until midnight Eastern Time at the end of that day.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone (202) 514–8059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *https://www.regulations.gov.* Information made available for public inspection includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you wish to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not wish it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also locate all the personal identifying information that you do not want posted online in the first paragraph of your comment and identify what information you want the agency to redact. Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online.

If you wish to submit confidential business information as part of your comment but do not wish it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, the agency may choose not to post that comment (or to post that comment only partially) on *https://*