

2018 (Pub. L. 115–273). Patent and trademark fees set or adjusted by rule under section 10 of the AIA may only recover the aggregate estimated costs to the USPTO for processing, activities, services, and materials relating to patents and trademarks, respectively, including administrative costs of the office with respect to each. Congress set forth the process for the USPTO to follow in setting or adjusting patent and trademark fees by rule under section 10 of the AIA, including additional procedural steps in the rulemaking proceeding for issuance of regulations under this section. Congress requires the relevant advisory committee to hold a public hearing regarding proposed fees after receiving the proposal from the USPTO. Congress, likewise, requires the relevant advisory committee to prepare a written report on proposed fees and the USPTO to consider the relevant advisory committee's report before finally setting or adjusting fees.

The USPTO is planning to exercise its fee setting authority to set or adjust patent fees. The USPTO will publish a proposed patent fee schedule and related supplementary information for public viewing no later than May 4, 2023, on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting). The PPAC will hold a public hearing regarding the proposed patent fee schedule on the date indicated in this notice. The USPTO will assist the PPAC in holding the hearing by providing resources to organize the hearing and notifying the public. Following the PPAC public hearing and considering all comments, advice, and recommendations, the USPTO, if it continues with the fee setting process, will publish a Notice of Proposed Rulemaking in the **Federal Register**, setting forth its proposed patent fees.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2023–08346 Filed 4–19–23; 8:45 am]

**BILLING CODE 3510–16–P**

## CONSUMER FINANCIAL PROTECTION BUREAU

### Notice of Availability of Revised Methodology for Determining Average Prime Offer Rates

**AGENCY:** Consumer Financial Protection Bureau.

**ACTION:** Notice of availability.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB) announces the availability of a revised version of its “Methodology for Determining Average Prime Offer Rates,” which describes the data and methodology used to calculate the average prime offer rate (APOR) for purposes of Regulation C and Regulation Z. The methodology statement has been revised to address the imminent unavailability of certain data the CFPB previously relied on to calculate APORs, as a result of a recent decision by Freddie Mac to make changes to its Primary Mortgage Market Survey® (PMMS). The CFPB has identified a suitable temporary alternative source of the relevant data and will begin relying on those data to calculate APORs on or after April 21, 2023.

**ADDRESSES:** The revised methodology statement is available on the website of the Federal Financial Institutions Examination Council (FFIEC) at <https://ffiec.cfpb.gov/tools/rate-spread>.

**FOR FURTHER INFORMATION CONTACT:** Waeiz Syed, Senior Counsel, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** Average prime offer rates (APORs) are annual percentage rates derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage loans that have low-risk pricing characteristics. APORs have implications for data reporters under Regulation C, 12 CFR part 1003, and creditors under Regulation Z, 12 CFR part 1026. Regulation C requires covered financial institutions to report, for certain transactions, the difference between a loan's annual percentage rate (APR) and the APOR for a comparable transaction.<sup>1</sup> Under Regulation Z, a loan meets the general qualified mortgage (QM) definition if the APR exceeds the APOR for a comparable transaction by less than the applicable threshold as of the date the interest rate is set.<sup>2</sup> The difference between the APR and APOR also determines whether certain QM definitions provide the creditor with a conclusive or rebuttable presumption of compliance,<sup>3</sup> and whether the creditor

must comply with certain provisions for high-cost or higher-priced mortgage loans.<sup>4</sup>

Currently, to calculate APORs, the CFPB uses pricing data from the Freddie Mac Primary Mortgage Market Survey® (PMMS) on three products—30-year fixed-rate mortgage; 15-year fixed-rate mortgage; and five-year variable-rate mortgage—and pricing data from CFPB's own internal survey on one-year variable-rate mortgages. The CFPB calculates APORs on a weekly basis using the methodology set forth in a statement available to the public on the FFIEC's website.

The CFPB is publishing this notice to inform the public that a revised methodology statement is now available. In September 2022, the CFPB learned that Freddie Mac planned to change the public version of PMMS to no longer include points, fees, and adjustable rates data used by the CFPB to construct APORs. To address the imminent unavailability of certain data previously relied on to calculate APORs, the CFPB identified a suitable temporary alternative source of survey data. After evaluating potential sources, the CFPB determined that data from Intercontinental Exchange Mortgage Technology (ICE Mortgage Technology) is currently the most suitable option to replace PMMS. ICE Mortgage Technology provides a data source that has sufficient pricing data for the variables and base products that the CFPB requires to calculate APORs. With this switch over to ICE Mortgage Technology data, the CFPB is transitioning to using additional base products (such as a 20-year fixed-rate mortgage and a 10/6-month ARM) and removing others (such as the 1-year variable-rate mortgage) to ensure there is a firm basis for estimating APORs.<sup>5</sup> Having data for more than two kinds of fixed-rate mortgage products and more than two kinds of variable-rate mortgage products provides a firmer basis for estimating rates across a full range of fixed-rate and variable-rate mortgage products. The CFPB will therefore use the following eight base products to calculate APORs: 30-year fixed-rate mortgage; 20-year fixed-rate mortgage; 15-year fixed-rate mortgage; 10-year fixed-rate mortgage; 10/6-month ARM;

<sup>4</sup> 12 CFR 1026.32(a)(1)(i) and 1026.35(a)(1).

<sup>5</sup> The CFPB considered the typical volume of these products when considering which ones to use when calculating APORs. Having more pricing data for a product will provide more accurate APOR estimates. In addition, because the CFPB will no longer use one-year variable-rate mortgages as a base product to calculate APORs, it will no longer conduct its own internal survey on one-year variable-rate mortgages.

<sup>1</sup> 12 CFR 1003.4(a)(12)(i).

<sup>2</sup> 12 CFR 1026.43(e)(2)(vi).

<sup>3</sup> 12 CFR 1026.43(b)(4) and (e)(1). Under Regulation Z, loans that meet the requirements for “qualified mortgages” obtain either a conclusive or rebuttable presumption of compliance with Regulation Z's requirement to make a reasonable and good faith determination of a consumer's ability to repay any residential mortgage loan.

7/6-month ARM; 5/6-month ARM; and 3/6-month ARM.

The CFPB has updated the FFIEC's website to note this change in the source of survey data and published a revised methodology statement that reflects corresponding changes in the methodology. The CFPB will begin using ICE Mortgage Technology data and the revised methodology to calculate APORs on or after April 21, 2023. The CFPB will continue to post the survey data used to calculate APORs on the FFIEC's website every week at <https://ffiec.cfpb.gov/tools/rate-spread> and will continue to identify the source of the survey data on that web page.

**Rohit Chopra,**

*Director, Consumer Financial Protection Bureau.*

[FR Doc. 2023-08310 Filed 4-19-23; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF EDUCATION

[Docket No. ED-2023-SCC-0064]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2024 Amendment #1

**AGENCY:** National Center for Education Statistics (NCES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before May 22, 2023.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by

clicking on the "View Supporting Statement and Other Documents" link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Carrie Clarady, 202-245-6347.

**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* National Assessment of Educational Progress (NAEP) 2024 Amendment #1.

*OMB Control Number:* 1850-0928.

*Type of Review:* A revision of a currently approved ICR.

*Respondents/Affected Public:* Individuals and Households.

*Total Estimated Number of Annual Responses:* 833,139.

*Total Estimated Number of Annual Burden Hours:* 519,605.

*Abstract:* The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107-279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. NAEP consists of two assessment programs:

the NAEP long-term trend (LTT) assessment and the main NAEP assessment. The LTT assessments are given at the national level only and are administered to students at ages 9, 13, and 17 in a manner that is very different from that used for the main NAEP assessments. LTT reports mathematics and reading results that present trend data since the 1970s. In addition to the operational assessments, NAEP uses two other kinds of assessment activities: pilot assessments and special studies. Pilot assessments test items and procedures for future administrations of NAEP, while special studies (including the National Indian Education Study (NIES), the Middle School Transcript Study (MSTS), and the High School Transcript Study (HSTS)) are opportunities for NAEP to investigate particular aspects of the assessment without impacting the reporting of the NAEP results.

The request to conduct NAEP in 2024 (OMB #1850-0928 v.28) was approved in March 2023. Since that package's submission for public comment and OMB review, NCES has canceled the Middle School Transcript Study (MSTS) due to budgetary limitations. This is the first of three additional 30-day packages to be submitted in March, May, and August 2023 in order to update all materials in time for the data collection in early 2024. This revision updates the scope of Part A to remove all references to the MSTS, Appendix D2 to include early communication materials in both English and Spanish, and Appendices J1, J2, J3, and J-S to include the initial operational survey questionnaires (SQ) (not including COVID-19 Learning Recovery SQs, Pilot, or NIES, as those will be in Amendments #2 and #3). A detailed revision memo is included to assist readers in understanding the changes proposed in this package. There have been no changes to the burden or costs to the Federal Government in this Amendment #1.

Dated: April 17, 2023.

**Stephanie Valentine,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023-08343 Filed 4-19-23; 8:45 am]

**BILLING CODE 4000-01-P**