

Wednesday, May 17, 2023; Fish and Wildlife Research Institute (FWRI) Auditorium, 100 8th Avenue SE, St. Petersburg, FL 33701; phone: (727) 502-4769.

Tuesday, May 30, 2023; via webinar. Visit [www.gulfcouncil.org](http://www.gulfcouncil.org) website and click on the “meetings” tab for registration information. After registering, you will receive a confirmation email containing information about joining the webinar.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 17, 2023.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2023-08373 Filed 4-19-23; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2023-0017]

### Patent Public Advisory Committee Public Hearing on the Proposed Patent Fee Schedule

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of public hearing.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is announcing the date, time, and place of a public hearing that will be held by the Patent Public Advisory Committee (PPAC) on the USPTO’s proposed setting or adjusting of patent fees pursuant to the USPTO’s fee setting authority under section 10 of the Leahy-Smith America Invents Act (AIA), as amended. The USPTO will make its proposed patent fees available—as set forth in the **SUPPLEMENTARY INFORMATION** section of this notice—before the PPAC hearing. The public is invited to testify at the hearing and submit written comments regarding proposed patent fees.

**DATES:** A hybrid public hearing will be held on Thursday, May 18, 2023, from 1–3 p.m. ET. 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). Anyone wishing to present oral testimony at the hearing must submit a written request for an opportunity to do so no later than May 11, 2023. Written comments on proposed patent fees will be accepted until May 25, 2023.

**ADDRESSES:** The hybrid public hearing will be held in person in the Clara Barton Auditorium at the USPTO, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will also be available via live feed for those wishing to attend remotely. Information on remote attendance will be posted on the PPAC section of the USPTO website, [www.uspto.gov/ppac](http://www.uspto.gov/ppac), before the hearing.

### Requests To Present Oral Testimony

The public is invited to testify at the hearing and submit written comments regarding proposed patent fees. Anyone wishing to present oral testimony at the hearing must submit a request in writing no later than May 11, 2023. Requests to testify should indicate:

A. The name of the person wishing to testify;

B. The person’s contact information (telephone number and email address);

C. The organization(s) the person represents, if any;

D. An indication of the amount of time needed for the testimony; and

E. An indication of whether testimony will be provided in person or remotely.

Speaking slots are limited, and the USPTO may be unable to honor all requests. Requests to testify must be submitted by email to Jennifer Lo at [Jennifer.Lo@uspto.gov](mailto:Jennifer.Lo@uspto.gov). If more requests to provide oral testimony are received than time allows, requestors will be invited to submit written comments. Time slots will be at least five minutes each. Speakers providing testimony at the hearing should submit a written copy of their testimony for inclusion in the record of the proceedings no later than May 25, 2023.

An agenda for witness testimony will be sent to testifying requesters and posted on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting). If time allows, the PPAC may permit unscheduled testimony.

The hearing will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation or other ancillary aids, should communicate their needs to the individuals listed under the **FOR**

**FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the hearing.

### Written Comments

Written comments on proposed patent fees must be submitted through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). To submit comments via the portal, commenters should enter docket number PTO-P-2023-0017 on the homepage and select the Search button. The site will provide search results listing all documents associated with this docket. Commenters can find a reference to this notice and select the Comment icon, complete the required fields, and enter or attach their comments. Attachments to electronic comments will be accepted in Adobe portable document format (PDF) or Microsoft Word format. Information that you do not want to make public, such as an address or phone number, should not be included in the comments to protect your privacy.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not possible, please contact the USPTO using the contact information below at the **FOR FURTHER INFORMATION CONTACT** section of this notice for special instructions.

### Recordings

A recording of the public hearing will be posted on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting), shortly after the hearing.

### Transcripts

A transcript of the hearing will be available on the fee setting and adjusting section of the USPTO website, [www.uspto.gov/FeeSettingAndAdjusting](http://www.uspto.gov/FeeSettingAndAdjusting), shortly after the hearing.

### FOR FURTHER INFORMATION CONTACT:

Brendan Hourigan, Director, Office of Planning and Budget, at 571-272-8966, or at [Brendan.Hourigan@uspto.gov](mailto:Brendan.Hourigan@uspto.gov); or Dianne Buie, Director, Forecasting and Analysis Division, at 571-272-6301, or at [Dianne.Buie@uspto.gov](mailto:Dianne.Buie@uspto.gov).

### SUPPLEMENTARY INFORMATION:

The USPTO is authorized under section 10 of the AIA to set or adjust by rule all patent and trademark fees established, authorized, or charged under title 35 of the United States Code and the Trademark Act of 1946, respectively. This authority was extended through September 15, 2026, by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of

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.