

any party, including the MA organization, may request judicial review if the amount in controversy meets the threshold requirement established annually by the Secretary.

**C. Health Maintenance Organizations, Competitive Medical Plans, and Health Care Prepayment Plans**

Section 940(b)(2) of the MMA also amended section 1876(c)(5)(B) of the Act to make section 1869(b)(1)(E) of the Act applicable to certain beneficiary appeals within the context of health maintenance organizations and competitive medical plans. The applicable implementing regulations for Medicare Part C appeals are set forth in 42 CFR part 422, Subpart M, and as discussed above, apply to these appeals. The Medicare Part C appeals rules also apply to health care prepayment plan appeals.

**D. Medicare Part D (Prescription Drug Plan) Appeals**

The annually adjusted AIC threshold amounts for ALJ hearings and judicial review that apply to Medicare Parts A, B, and C appeals also apply to Medicare Part D appeals. Section 101 of the MMA added section 1860D-4(h)(1) of the Act regarding Part D appeals. This statutory provision requires a prescription drug plan sponsor to meet the requirements set forth in sections 1852(g)(4) and (g)(5) of the Act, in a similar manner as MA organizations. As noted above, the

annually adjusted AIC threshold requirement was added to section 1852(g)(5) of the Act by section 940(b)(2)(A) of the MMA. The implementing regulations for Medicare Part D appeals can be found at 42 CFR part 423, Subpart M. The regulations impart at § 423.562(c) that unless the Part D appeals rules provide otherwise, the Part C appeals rules (including the annually adjusted AIC threshold amount) apply to Part D appeals to the extent they are appropriate. More specifically, § 423.610 and § 423.630 of the Part D appeals rules discuss the AIC threshold amounts for ALJ hearings and judicial review. Section 423.610(a) grants a Part D enrollee, who is dissatisfied with the Independent Review Entity (IRE) reconsideration determination, a right to an ALJ hearing if the amount remaining in controversy after the IRE reconsideration meets the threshold amount established annually by the Secretary. Section 423.630(a) allows a Part D enrollee to request judicial review if the AIC meets the threshold amount established annually by the Secretary.

**II. Annual AIC Adjustments**

**A. AIC Adjustment Formula and AIC Adjustments**

As previously noted, section 940 of the MMA requires that the AIC threshold amounts be adjusted annually, beginning in January of 2005, by the percentage increase in the

medical care component of the consumer price index (CPI) for all urban consumers (U.S. city average) for July 2003 to the July of the preceding year involved and rounded to the nearest multiple of \$10.

**B. Calendar Year 2008**

The AIC threshold amount for ALJ hearing requests will rise to \$120 and the AIC threshold amount for judicial review will rise to \$1,180 for the 2008 calendar year. These new amounts are based on the 18.2 percent increase in the medical care component of the CPI from July of 2003 to July of 2007. The CPI level was at 297.6 in July of 2003 and rose to 351.6 in July of 2007. This change accounted for the 18.2 percent increase. The AIC threshold amount for ALJ hearing requests changes to \$118.16 based on the 18.2 percent increase. In accordance with section 940 of the MMA, this amount is rounded to the nearest multiple of \$10. Therefore, the 2008 AIC threshold amount for ALJ hearings is \$120. The AIC threshold amount for judicial review changes to \$1,181.60 based on the 18.2 percent increase. This amount was rounded to the nearest multiple of \$10, resulting in a 2008 AIC threshold amount of \$1,180.

**C. Summary Table of Adjustments in the AIC Threshold Amounts**

In Table 1 below, we list the Calendar Year 2005 through 2008 threshold amounts.

TABLE 1.—AMOUNT-IN-CONTROVERSY THRESHOLD AMOUNTS

	CY 2005*	CY 2006	CY 2007	CY 2008
ALJ Hearing .....	\$100	\$110	\$110	\$120
Judicial Review .....	1050	1090	1130	1180

\* CY—Calendar Year.

**III. Collection of Information Requirements (If Applicable)**

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

**Authority:** Section of the Social Security Act (42 U.S.C.).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773, Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 19, 2007.  
**Kerry Weems,**  
*Acting Administrator, Centers for Medicare & Medicaid Services.*  
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**BILLING CODE 4120-01-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R9-IA-2007-N0002; 96300-1671-0000]**

**Receipt of Applications for Permit**

**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

**DATES:** Written data, comments or requests must be received by January 28, 2008.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive,

Room 212, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:**

**Endangered Species**

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

*Applicant:* Saint Louis Zoo, St. Louis, MO, PRT-170356.

The applicant requests a permit to import biological samples from Peruvian brown pelicans (*Pelecanus occidentalis thagus*) for the purpose of enhancement of the species through scientific research. This notification covers activities conducted by the applicant for a five-year period.

*Applicant:* Saint Louis Zoo, St. Louis, MO, PRT-168186.

The applicant requests a permit to import a captive born male Somali wild ass (*Equus africanus somalicus*) from Marwell Zoological Park in Hampshire, Great Britain for the purpose of enhancement of the survival of the species.

*Applicant:* Dennis Miller, Lowell, IN, PRT-164875.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Perry S. Tucker, Aiken, SC, PRT-165737.

The applicant requests a permit to import the sport-hunted trophy of one male cape mountain zebra (*Equus zebra zebra*) culled from a captive herd in the Republic of South Africa, for the purpose of enhancement of the survival of the species.

**Marine Mammals**

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine

mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

*Applicant:* Leo C. Potter, Lake Geneva, WI, PRT-171622.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Western Hudson Bay polar bear population in Canada for personal, noncommercial use.

*Applicant:* Frank A. Bove, Eighty Four, PA, PRT-170349.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Western Hudson Bay polar bear population in Canada for personal, noncommercial use.

Dated: December 14, 2007.

**Lisa J. Lierheimer,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

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**Fish and Wildlife Service**

[FWS-R9-IA-2007-N0001; 96300-1671-0000]

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*Applicant:* Joseph A. Lukas, Ennis, MT, PRT-165271.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Norman J. Dozier, Merkel, TX, PRT-165270.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Kenneth P. Shemoski, Collegeville, PA, PRT-165945.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Jay Royce Jr., Mt. Enterprise, TX, PRT-165754.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* George Kishida Jr., Lodi, CA, PRT-164873.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.