

§ 852.10

- (f) Medical literature or reports;
- (g) Any other records or evidence pertaining to the applicant's request for assistance;
- (h) A medical examiner's report, coroner's report, or death certificate for any application submitted by an estate or survivor of a deceased worker; and
- (i) Information submitted as a part of such a claim or developed by the Department of Labor (DOL) or by the Department of Health and Human Services (HHS) in the course of processing a claim for the applicant, including, where applicable, estimates of an applicant's cumulative radiation dose and the calculated probability that this dose was responsible for a cancer that is the subject of the claim, for any application submitted by an applicant also applying to DOL for benefits available under the Act.

§ 852.10 How may a Physician Panel obtain additional information or a consultation that it needs to make a determination?

If, after reviewing all materials provided by the Program Office, a Physician Panel finds that it needs additional information or consultation with a specialist in order to make a determination, it must request this information or consultation through the Program Office. A Physician Panel may request:

- (a) A recorded interview under oath with the applicant, by an individual designated by the Program Office, if the Physician Panel believes only the applicant can provide the necessary information.
- (b) That the applicant provide additional medical information;
- (c) Additional relevant information under the control of DOE or its contractors;
- (d) Consultation with designated specialists in fields relevant to its deliberations;
- (e) Specific articles or reports, or assistance searching the medical or scientific literature; or
- (f) Other needed information or materials.

10 CFR Ch. III (1–1–06 Edition)

§ 852.11 How is a Physician Panel to carry out its deliberations and arrive at a determination?

- (a) Each panel member reviews all materials relating to the application.
- (b) If a Physician Panel has more than one physician, all panel members meet in conference, in person, or by teleconference in order to discuss the application and arrive at a determination agreed to by a majority of the members of the Physician Panel.

[67 FR 52853, Aug. 14, 2002, as amended at 69 FR 13712, Mar. 24, 2004]

§ 852.12 How must a Physician Panel issue its determination?

A Physician Panel must submit its determination under § 852.8 and the findings that provide the basis for its determination to the Program Office. The determination and the findings must be in writing and signed by all panel members. The findings must include:

- (a) Each illness or cause of death that is the subject of the application.
- (b) For each illness or cause of death listed under paragraph (a) of this section:
 - (1) Diagnosis;
 - (2) Approximate date of onset;
 - (3) Date of death, if applicable;
 - (4) Whether the illness or death arose out of and in the course of employment by a DOE contractor and exposure to a toxic substance at a DOE facility;
 - (5) The basis for the determination under paragraph (b)(4) of this section;
 - (6) A determination concerning any other medical issue identified in the relevant State Agreement; and
 - (7) The basis for the determination under paragraph (b)(6) of this section.
- (c) The Physician Panel must provide the Program Office with:
 - (1) Any evidence to the contrary of the panel's determination, and why the panel finds this evidence is not persuasive.
 - (2) A listing of information and materials reviewed by the panel in making its determination, including:
 - (i) Information and materials provided by the Program Office; and,
 - (ii) Information and materials obtained by the panel, including consultations with specialists, scientific