

Subpart A—General

§ 79.1 Purpose.

The purpose of these regulations is to implement section 6 of the Radiation Exposure Compensation Act of 1990, 42 U.S.C. 2210 note, which authorizes the Attorney General of the United States to establish procedures for making certain payments to qualifying individuals who contracted one of the diseases listed in the Act. The amount of each payment and a general statement of the qualifications are indicated in § 79.3(a). The procedures established in these regulations are designed to utilize existing records so that claims can be resolved in a reliable, objective, and nonadversarial manner, quickly and with little administrative cost to the United States or to the person filing the claim.

§ 79.2 General definitions.

(a) *Act* means the Radiation Exposure Compensation Act of 1990, Public Law 101-426, 104 Stat. 920, as amended by Public Law 101-510, section 3139, 104 Stat. 1835 (42 U.S.C. 2210 note).

(b) *Child* means a recognized natural child of the claimant, a step-child who lived with the claimant in a regular parent-child relationship, and an adopted child of the claimant.

(c) *Claim* means a petition for compensation under the Act filed with the Radiation Exposure Compensation Unit by a claimant or by his/her eligible surviving beneficiaries.

(d) *Claimant* means the individual, living or deceased, who is alleged to satisfy the criteria for compensation in either section 4 or section 5 of the Act.

(e) *Contemporaneous Record* means any document created at or around the time of the event that is recorded in the document.

(f) *Eligible surviving beneficiary* means a spouse, child, parent, grandchild or grandparent who is entitled under section 6(c)(4) (A) or (B) of the Act to file a claim and/or receive a payment on behalf of a deceased claimant.

(g) *Grandchild* means a child of a child of the claimant.

(h) *Grandparent* means a parent of a parent of the claimant.

(i) *Immediate family member* of a person means a spouse or child if the per-

son is an adult, but if the person is a minor, immediate family member means either parent.

(j) *Medical document, documentation, or record* means any contemporaneous record of any physician, hospital, clinic or other certified or licensed health care provider, or any other records routinely and reasonably relied on by physicians in making a diagnosis.

(k) *Radiation Exposure Compensation Unit* or *Unit* means the component of the Constitutional and Specialized Tort Litigation Section of the Torts Branch of the Civil Division of the United States Department of Justice designated by the Attorney General to execute the powers, duties and responsibilities assigned to the Attorney General pursuant to sections 4(a)(1)(C), 4(a)(2)(C)(ii), section 5(a)(2)(B)(ii), section 6, and any other pertinent provisions of the Act.

(l) *Parent* means the natural or adoptive father or mother of the claimant.

(m) *Spouse* means a wife or husband who was married to the claimant for a period of at least one (1) year immediately before the death of the claimant.

(n) *Trust Fund or Fund* means the Radiation Exposure Compensation Trust Fund in the Department of the Treasury, administered by the Secretary of the Treasury pursuant to section 3 of the Act.

§ 79.3 Compensable claim categories under the Act.

(a) In order to receive a compensation payment, each claimant or eligible surviving beneficiary must establish that the claimant meets each and every criterion of eligibility for at least one of the following compensable categories designated in the Act:

(1) Claims of childhood leukemia by persons presumably exposed to fallout from the atmospheric detonation of nuclear devices at the Nevada Test Site due to their physical presence in an affected area during a designated time period. The amount of compensation is \$50,000. The regulations governing these claims are set forth in subpart B of this part.

(2) Claims relating to certain specified diseases by persons presumably exposed to fallout from the atmospheric