

The committee or the committee member must also mention any special consideration that could affect the victim's disability and the nature and duration of any proposed treatment.

**14.** Where the victim's disability cannot be determined in a definitive manner, a provisional determination must be made. In such case, the evaluation committee sets a date when it will meet again to make a final recommendation on the application.

Sections 10 to 13 and 16 to 21 apply in such a case, with the necessary modifications.

No reimbursement may be claimed by virtue of the fact that the definitive disability of the victim is less than his or her provisional disability.

**15.** Sections 11 to 13 do not apply to an application for a death benefit.

**16.** The evaluation committee may ask Héma-Québec any information necessary for the carrying out of its mandate. Héma-Québec must cooperate with the committee to that end.

**17.** The evaluation committee must, in addition, request the opinion of an expert physician where, in the opinion of a member of the committee, the opinion is required for medical evaluation of the victim or to establish the probability of the causal link between the bodily injury suffered and the Héma-Québec product.

**18.** The evaluation committee must give the victim or applicant the opportunity to provide all relevant information or documents to complete his or her file.

**19.** The recommendations of the evaluation committee must be adopted by a majority vote and reasons must be given.

Any dissenting member may attach his or her own recommendations and reasons to the majority recommendations.

The evaluation committee then sends all the recommendations to the Minister so that the latter may take cognizance of them.

**20.** The Minister renders a decision in writing, after examining the recommendations of the committee and of any dissenting member.

Despite the foregoing, where an application appears, however, on its face, to be prescribed or inadmissible for a reason other than a reason of a medical nature, the Minister may render a decision without the application having been examined by an evaluation committee.

The same applies where the Minister must render a new decision or an additional decision on a case and the decision does not involve any reason of a medical nature.

**21.** The Minister sends the decision to the applicant by mail and sends a copy to the members of the committee.

The decision has effect from the date of its notification.

**22.** Any compensation unpaid at the time of the victim's death is to be paid to the victim's successors.

**23.** Where the prescription period provided for in section 54.4 of the Act expires on a day on which the Minister's offices are close, the time period is extended to the next working day, and the application for compensation may be validly made on that day.

**24.** No proceeding under this Regulation may be considered void and disallowed for defect of form or procedural irregularity.

**25.** If there is an interruption in postal service, the Minister may accept or use any other method of filing or service.

**26.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Dam Safety Act  
(R.S.Q., c. S-3.1.01)

### Dam Safety — Amendments

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation amending the Dam Safety Regulation, appearing below, may be enacted by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to extend the statutory time limits for the performance of safety reviews by the owners of dams. The extended time limits only apply to dams whose failure consequence category is Low or Very Low. The proposed regulatory amendments also correct, among other things, certain wordings that posed difficulties with regard to the determination of safety check flood and the application of earthquake resistance standards.

Further information on the draft Regulation may be obtained by contacting Michel Dolbec, Dam Safety Director, Centre d'expertise hydrique du Québec, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 5<sup>e</sup> étage, Québec (Québec) G1R 5V7; by telephone at 418 521-3945, # 7522; by fax at 418 643-4609; or by e-mail at michel.dolbec@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is invited to submit written comments within the 45-day period to Michel Dolbec, whose contact information is provided above.

PIERRE ARCAND,  
*The Minister of Sustainable Development,  
Environment and Parks*

## Regulation amending the Dam Safety Regulation\*

Dam Safety Act  
(R.S.Q., c. S-3.1.01, ss. 6, 14 to 17, 19, 20, 21, 24,  
29, 31, 36 and 37)

**1.** Section 14 of the Dam Safety Regulation is amended:

(1) by the replacement, in paragraph (3) of the first subsection, of the words “or “poor or unknown”” by the words “, “poor” or “undetermined””;

(2) by the replacement, in paragraph (4) of the same subsection, of the words “or “unsatisfactory or unknown”” by the words “, “unsatisfactory” or “undetermined””.

**2.** Section 22 of this Regulation is amended by the insertion, in the part of the first subsection before paragraph (1) and after the word “inflow”, of the words “under flood conditions”.

**3.** Section 23 of this Regulation is replaced by the following:

“**23.** Subject to section 24, the safety check flood determined under section 21 or 22 may be less, but not less than a 100-year flood, if it is shown that a dam failure during such a flood would result in a lower consequence category than that used for the purposes of section 21.”.

**4.** Section 25 of this Regulation is amended by the replacement, in the last subsection, of the words “in the Severe Consequence category under sections 17 and 18 “by the words “designed to withstand a “probable maximum flood””.

**5.** Section 29 of this Regulation is amended:

(1) by the replacement, in the first subsection, of the second and third sentences by the following sentence: “Calculations must be based on the full supply level and be accompanied by the opinion of the engineer in charge on the liquefaction potential of the dam and its foundation together with the data on which that opinion is based.”;

(2) by the addition, at the end of the second subsection, of the following sentence: “These coefficients may also be determined, for each dam site, based on Peak Ground Acceleration data established by the Geological Survey of Canada for a return period of 2500 years.”.

**6.** Section 45 of this Regulation is amended by the replacement, in the third subsection, of the words “Class C or Class D” by the words “Class C, D or E”.

**7.** This Regulation is amended by the insertion of the following after section 49:

“**49.1.** When the owner of a dam intends, within 5 years, to remove or reconstruct the dam, or to make a structural alteration that affects all parts of the structure or that, because of the scope of the work, is equivalent to reconstructing the dam, the dam safety review may be limited to the following elements:

(1) a check of the condition and behaviour of the dam by means of a comprehensive inspection of every structural component;

(2) a check of the functionality and reliability of the discharge facilities.

The report documenting the dam safety review must include:

(1) the report of the most recent formal inspection conducted under section 42;

(2) the opinion of the engineer in charge on the structural and functional safety of the dam, and where applicable, on the measures proposed to prevent the risk of dam failure until the planned work is carried out.

The report must also contain the information mentioned in paragraphs (1) to (4) and (6) of the second subsection of section 49.

\* The sole amendment to the Dam Safety Regulation, enacted by decree No. 300-2002 of March 20, 2002 (2002, G.O. 2, 2043), was made by the Regulation enacted by decree No. 17-2005 of January 19, 2005 (2005, G.O. 2, 583).

The provisions of paragraph (1) of sections 32 and 38 and of paragraph (1) of the first subsection of sections 76 and 77 do not apply to a dam whose safety review is conducted under the present section.”.

**8.** Section 57 of this Regulation is amended by the replacement, in paragraph (6) of the first subsection, of the words “pseudostatic or, where applicable, dynamic structural and foundation” by the word “seismic”.

**9.** Section 58 of this Regulation is amended by the replacement, in paragraph (2) of the first subsection, of the words “pseudostatic or, where applicable, dynamic structural and foundation” by the word “seismic”.

**10.** Section 59 of this Regulation is amended:

(1) by the replacement, in what precedes paragraph (1), of the words “the removal of a dam” by the words “either the complete removal of a dam, or its partial removal if as a result the dam would no longer be of high capacity,”;

(2) by the addition of the following second subsection:

“An application for authorization for partial removal must also include:

(1) the name and address of the owner of the dam;

(2) the plan and specifications of the modified dam, prepared by an engineer, together with the data and assumptions considered regarding hydrology and hydraulics;

(3) the new impounding capacity of the dam.”.

**11.** Section 61 of this Regulation is amended by the replacement, in subparagraph *c* of paragraph (1), of the words ““poor or unknown”” by the words ““poor” or “undetermined””.

**12.** Section 62 of this Regulation is amended by the insertion, in the second subsection and before the word “removal”, of the words “complete or partial”.

**13.** Section 66 of this Regulation is amended by the insertion, before the word “removal”, of the words “complete or partial”.

**14.** Section 78 of this Regulation is amended:

(1) by the replacement, in paragraphs (1) of the second and third subsections, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(2) by the replacement, in paragraph (1) of the fourth subsection, of “7 years” by “10 years”, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(3) by the replacement, in paragraph (2) of the fourth subsection, of “8 years” by “12 years”;

(4) by the replacement, in paragraph (1) of the fifth subsection, of “9 years” by “16 years”, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(5) by the replacement, in paragraph (2) of the fifth subsection, of “10 years” by “18 years”.

**15.** Schedule III of this Regulation is amended by the replacement, wherever it is found, of the word “unknown” by the word “undetermined”.

**16.** The present Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

### Commission d'accès à l'information — Procedure for selecting persons qualified for appointment as members

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., chapter R-18.1) that the Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, the text of which appears below, may be adopted by the Office of the National Assembly on the expiry of 45 days following this publication.

As provided in section 104.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), the purpose of the amended regulation is to establish a procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information.