

From: Carter, Paul
To: [Bown, Charles W.](#)
Cc: [Quinlan, Krista](#); [Coffey, Bernard \(Clerk of the Executive Council\)](#)
Subject: RE: briefing
Date: Wednesday, November 23, 2016 7:34:22 PM
Attachments: [le - site visit.docx](#)

Ok. Note is completed and attached. Betty has the copy.

From: Bown, Charles W.
Sent: Wednesday, November 23, 2016 7:20 PM
To: Carter, Paul
Subject: Re: briefing

No. it's not an NR note. I'll send it to her when it's done. I briefed her on the meeting this morning.

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On Wed, Nov 23, 2016 at 7:15 PM -0330, "Carter, Paul" <PaulCarter@gov.nl.ca> wrote:

Has minister reviewed the note before we move along

From: Bown, Charles W.
Sent: Wednesday, November 23, 2016 7:14 PM
To: Carter, Paul
Subject: Re: briefing

No; definitely not

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Carter, Paul
Sent: Wednesday, November 23, 2016 7:11 PM
To: Bown, Charles W.
Cc: Quinlan, Krista
Subject: briefing

Charles, Is there any chance briefing will take place tonight?

Chronology

- A July 2016 Independent Engineer (IE) Site Visit Report (the Report) was prepared and sent to Nalcor for fact checking by the IE on September 20, 2016. The draft Report was also sent to NRCan at the same time. The Oversight Committee was not provided a copy or advised of the reports existence.
- On October 5, 2016 Nalcor received an access to information request for the following records:
“Please provide me with a copy of the report of the visit to the Muskrat Falls by the Independent Engineer (MWH Global) which took place in July and was submitted in draft form in September. Natural Resources Canada has advised that the report was received September 20, 2016.”
- On November 2, 2016 Nalcor declined to provide the Report to the access to information request on the basis that the it was incomplete in accordance with section 29(1)(b) of the *Access to Information and Protection of Privacy Act* (still in draft).
- The IE revised the Report based on fact checking and resubmitted it to Nalcor on November 2, 2016. The IE again made additional edits and resubmitted the report to Nalcor as 'final' on November 21, 2016. The date on the final Report is November 2, 2016.
- An appeal was filed with the Privacy Commissioner, and Nalcor understands that they must respond to the appeal by December 2, 2016. Nalcor intends to comply with this request by making the November 2, 2016 IE Report public on its website prior to this deadline. The Oversight Committee would also post a link to the IE Report on its website portal.
- Nalcor has advised that NRCan has not officially responded to the federal access for information request due to differing timelines under federal legislation. NRCan is relying on Nalcor to post the IE Report on its website as it normally does, which in effect would also satisfy the NRCan’s access to information request within the specified federal timelines.
- The Oversight Committee became aware of the Report through a Blog site posting. A copy of the IE Report was requested from Nalcor on November 22, 2016, and Nalcor at that time advised Paul Carter that it planned to post the Report on the Nalcor website that day. The Oversight Committee received the IE Report on November 22, 2016.

Oversight Committee

- The Oversight Committee had not prior to November 22, 2016 been informed about the content of or provided a copy of the IE Report. Reports of the IE are supposed to be provided to the Province in addition to Nalcor and NRCan. In this instance that did not occur. Nalcor has not explained why it failed to give the Oversight Committee a copy of the IE Report. The Oversight Committee reminded Nalcor of the requirement to provide reports to the Province.

- Formal Oversight Committee meetings were held on August 30th, October 6th, and November 15th, 2016 with Nalcor officials including: Gilbert Bennett, Paul Harrington, Jim Meaney, and Steve Pellerin in attendance at differing times based up availabilities. Neither Nalcor's receipt of the IE Report concerning the July 2016 site visit nor the Report's contents were raised with the Oversight Committee.

Next Steps

- The Oversight Committee on November 23, 2016 asked Nalcor to prepare detailed responses to matters raised by the IE in the Report.
- Nalcor is to be directed to ensure that IE site visit reports are provided to the Province at the same time Nalcor and NRCan receives those reports.
- Oversight Committee members will be participating in site visits and meetings with NRCan and the IE during the week of November 28, 2016. Matters raised in the Report will be discussed with the IE.
- The Oversight Committee on November 23, 2016 also requested detailed information from Nalcor on repairs and procedures that are currently taking place to slow/stop water leakage through the cofferdam.