

From: Carter, Paul
To: [Coffey, Bernard \(Clerk of the Executive Council\)](#)
Subject: Summary
Date: Wednesday, November 23, 2016 3:30:37 PM
Attachments: [le - site visit.docx](#)

Bern,

Draft Summary for your consideration attached and embedded below. Let me know if you are good with it. Thanks Paul

Draft

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.
- 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 on the basis that it was incomplete in accordance with section 29(1)(b) of the Act (still in draft).
- The IE revised the Report based on fact checking and resubmitted to Nalcor on November 2, 2016. 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 Report public on its website prior to this deadline. The Oversight Committee would also post a link to the Report on its website portal.
- Nalcor has advised that NRCan has not officially responded to the access for information request due to differing timelines under federal legislation. NRCan is relying on Nalcor to post the Report on its website as it normally does which in effect would also satisfy the NRCan’s access to information request within the specified timelines.
- The Oversight Committee requested a copy of the Report from Nalcor on November 23, 2016 and was advised that the report would be posted on the Nalcor website on that day. The Report was received by the Oversight Committee as requested.

Oversight Committee

- The Oversight Committee had not been informed of or provided a copy of the Report. Reports of the IE are supposed to be provided to the Province in addition to Nalcor and NRCan. In this instance this did not occur. The Oversight Committee reminded Nalcor of this requirement to provide reports to the Province.

- Formal Oversight Committee meetings have been held on August 30th, October 6th, and November 15th, 2016 with Nalcor officials including: Gilbert Bennett, Paul Harrington, Jim Meaney, and Steve Pellerin at differing times based up availabilities. Receipt of the IE Report or its contents was not raised with the Oversight Committee.

Next Steps:

- The Oversight Committee has asked Nalcor to prepare detail responses to matters raised by the IE in the Report.
- Nalcor will work with the Oversight Committee and IE to ensure that site visit reports are provided to the Province at the same time Nalcor and NRCan are receiving 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 has also requested detailed information from Nalcor on repairs and procedures that are taking place to slow/stop water leakage through the temporary cofferdam.

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