

April 20, 2016

EA-15-212

Mr. Armand Lauzon
President and CEO
C&D Technologies, Inc.
1400 Union Meeting Road
Blue Bell, PA 19422-0858

SUBJECT: CONFIRMATORY ORDER RELATED TO THE NUCLEAR REGULATORY
COMMISSION INSPECTION OF C&D TECHNOLOGIES, INC., REPORT
NO. 99901385/2015-201

Dear Mr. Lauzon:

The enclosed Confirmatory Order is being issued to C&D Technologies, Inc. (C&D) as a result of a successful Alternative Dispute Resolution (ADR) session. The enclosed commitments were made by you as part of a settlement agreement between C&D and the U.S. Nuclear Regulatory Commission (NRC) concerning apparent violations of NRC requirements, as described in the enclosure to our letter dated January 8, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15307A198).

The January 8, 2016 letter provided you with the results of an inspection of your facility conducted from September 21 to 25, 2015, and informed you that three apparent violations were being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy. This letter provided you with the option of either attending a Predecisional Enforcement Conference or requesting ADR with the NRC.

In response to this letter, you requested ADR. An ADR mediation session was held on March 10, 2016, and a preliminary settlement agreement was reached. The elements of the preliminary agreement were formulated and agreed to at the mediation session. Consistent with the purposes of ADR, you and the NRC acknowledged that the session was not for the purposes of reaching any conclusions regarding any facts or circumstances discussed in our letter dated January 8, 2016.

At the ADR mediation session, you agreed that a Confirmatory Order would be issued in settlement of a disputed claim. In light of the corrective actions you took or agreed to take, as described in the Confirmatory Order (ML16074A138), the NRC is satisfied that its concerns will be addressed by making your commitments legally binding. As evidenced by your signed "Consent and Hearing Waiver Form" (ML16104A054), dated April 12, 2016, you agreed to the issuance of the Confirmatory Order.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Confirmatory

Order shall be subject to criminal prosecution, as set forth in that section. Violation of this Confirmatory Order may also subject the person to civil monetary penalties.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, along with its enclosures, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The Confirmatory Order will be published in the Federal Register. The NRC also publishes Confirmatory Orders on its Web site under Significant Enforcement Actions at <http://www.nrc.gov/about-nrc/regulatory/enforcement.html>.

Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

Docket No. 99901385

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver

cc: Distribution via LISTSERV

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OE-001

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