

April 15, 2016
EN 16-006

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Vendor: C & D Technologies, Inc.
Blue Bell, Pennsylvania
Docket No.: 99901385

EA-15-212

Subject: ISSUANCE OF CONFIRMATORY ORDER

This is to inform the Commission that a publicly available Confirmatory Order (Order) will be issued on or about April 20, 2016, to C & D Technologies Inc. (C&D), a vendor of Class 1E batteries. This Order will confirm commitments reached as part of an alternative dispute resolution (ADR) settlement agreement addressing apparent violations identified through an inspection.

The apparent violations involved a failure by C&D to perform adequate technical evaluations of defects, and the associated periodic reporting of ongoing deviation evaluations and final determinations, contrary to the requirements in Title 10 of the *Code of Federal Regulations* 21.21, "Notification of failure to comply or existence of a defect and its evaluation."

In a letter dated January 8, 2016, the U.S. Nuclear Regulatory Commission (NRC) provided C&D the results of the inspection, and offered the opportunity to attend a Predecisional Enforcement Conference, or to request ADR.

In response to this letter, C&D requested ADR. An ADR mediation session was held on March 10, 2016, and a preliminary settlement agreement was reached. The settlement actions include, but are not limited to: (1) restore full compliance for all currently identified noncompliances, (2) revise policies and procedures to provide reasonable assurance of continued compliance, (3) provide initial and continuing training for C&D staff and supervisors, (4) institute an annual independent third party programmatic review, and (5) periodic communication, to staff and managers, regarding senior management's expectations and commitment to comply with NRC requirements.

It should be noted that C&D has been specifically informed of, and agrees to, this enforcement action. The schedule of issuance and notification is:

Mailing of Notice
Telephone Notification of C&D

April 20, 2016
April 20, 2016

The Commonwealth of Pennsylvania will be notified.

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DISTRIBUTION: EN-16-006, April 15, 2016

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