

November 29, 2016

EA-15-212

Mr. Robert Malley
VP Quality and Process Engineering
C&D Technologies, Inc.
1400 Union Meeting Road
P.O. Box 3053
Blue Bell, Pa. 19422-0858

SUBJECT: C&D TECHNOLOGIES, INC. – REQUEST FOR RELAXATION
OF CONFIRMATORY ORDER

Dear Mr. Malley:

By your letter dated November 8, 2016, C&D Technologies, Inc. (C&D) requested that the U.S. Nuclear Regulatory Commission (NRC) relax Condition C.1 specified in the Confirmatory Order issued to C&D on April 20, 2016. The Confirmatory Order can be found in the NRC's Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML16074A138, and your November 2016 relaxation request letter can be found under Accession Number ML16320A456. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Condition C.1 of the Confirmatory Order requires that "C&D shall ensure that the existing issue of procedure compliance has been entered into its CAP, and this issue shall be considered a significant condition adverse to quality. As a result, within 180 days of the issuance date of this Order, C&D shall conduct a formal root cause analysis of known procedure violations to determine the extent of condition of C&D work practices and identify corrective actions to improve procedure guidance. In addition, the extent of condition shall address the last five years of C&D's nuclear-related customer complaints, corrective actions, or nonconformances that meet the Part 21 definition of a "deviation." C&D shall ensure that the extent of condition review is complete and that all 10 CFR Part 21 deviations are identified and entered into C&D's 10 CFR Part 21 program to ensure that they are adequately evaluated for reportable defects. By 30 calendar days of corrective action completion, C&D shall provide the results of its root cause and extent of condition report to the DCIP Director."

The Confirmatory Order specifies that the Director, Office of Enforcement, may, in writing, relax or rescind any of the conditions upon demonstration by C&D of good cause. In your November 2016, letter you stated that the review is in progress, however, it is taking longer than expected. You also requested an extension on this item (C.1) until December 2, 2016.

Based on the recommendation from the Office of New Reactors, the requirements in C.1 of Confirmatory Order EA-15-212 are hereby relaxed to read as follows:

- C.1 C&D shall ensure that the existing issue of procedure compliance has been entered into its CAP, and this issue shall be considered a significant condition

adverse to quality. As a result, by December 2, 2016, C&D shall conduct a formal root cause analysis of known procedure violations to determine the extent of condition of C&D work practices and identify corrective actions to improve procedure guidance. In addition, the extent of condition shall address the last five years of C&D's nuclear-related customer complaints, corrective actions, or nonconformances that meet the Part 21 definition of a "deviation." C&D shall ensure that the extent of condition review is complete and that all 10 CFR Part 21 deviations are identified and entered into C&D's 10 CFR Part 21 program to ensure that they are adequately evaluated for reportable defects. By 30 calendar days of corrective action completion, C&D shall provide the results of its root cause and extent of condition report to the DCIP Director.

The NRC has decided not to take enforcement action in regard to this item. C&D is not required to respond to this letter; however, if it chooses to provide a response, the response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. In accordance with Title 10 of the *Code of Federal Regulations*, Section 2.390 of the NRC's "Rules of Practice," a copy of this letter, and any response, will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS.

Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

Docket No. 99901385

adverse to quality. As a result, by December 2, 2016, C&D shall conduct a formal root cause analysis of known procedure violations to determine the extent of condition of C&D work practices and identify corrective actions to improve procedure guidance. In addition, the extent of condition shall address the last five years of C&D's nuclear-related customer complaints, corrective actions, or nonconformances that meet the Part 21 definition of a "deviation." C&D shall ensure that the extent of condition review is complete and that all 10 CFR Part 21 deviations are identified and entered into C&D's 10 CFR Part 21 program to ensure that they are adequately evaluated for reportable defects. By 30 calendar days of corrective action completion, C&D shall provide the results of its root cause and extent of condition report to the DCIP Director.

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Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

Docket No. 99901385

ADAMS Package: ML16328A271

Letter: ML16328A164

Request for Relaxation of Order: ML16320A456

OFFICE	OE/EB	NRO/DCIP/D	OGC/MLE	OE/D
NAME	GGulla	MCheok	LBaer	PHolahan
DATE	11/25/16	11/28/16	11/29/16	11/29/16

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