24.0 CONCLUSIONS

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 52.48, the staff of the U.S. Nuclear Regulatory Commission (NRC) reviewed the economic simplified boiling-water reactor (ESBWR) design control document, probabilistic risk assessment, and Tier 1 information in accordance with the standards set forth in the following:

- 10 CFR Part 20, "Standards for Protection Against Radiation"
- 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities" and its appendices
- 10 CFR Part 73, "Physical Protection of Plants and Materials"
- 10 CFR Part 100, "Reactor Site Criteria"

as they apply to applications for construction permits and operating licenses for nuclear power plants, as they are applicable and technically relevant to the ESBWR standard design, and as modified by the exemptions identified in Section 1.8 of this report. On the basis of its evaluation and independent analyses as discussed in this report, the staff concludes that GE-Hitachi Nuclear Energy's application for design certification meets these requirements. Appendix F to this report includes a copy of the related report by the NRC's Advisory Committee on Reactor Safeguards, as required by 10 CFR 52.53.

The staff also concludes that issuance of a final design approval, in accordance with 10 CFR Part 52, Subpart E, will not be inimical to either the common defense and security or the health and safety of the public. Pursuant to 10 CFR 50.33(f), the financial qualifications of an applicant for construction permit, operating license, or combined license (COL) will be addressed during the review of an application that references the ESBWR standard design. Similarly, the indemnity requirements of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," will be addressed in the operating license or COL review.

A final design approval, issued on the basis of this final safety evaluation report, does not constitute a commitment to issue a permit, design certification, or license, and does not in any way affect the authority of the Commission, the Atomic Safety and Licensing Board Panel, and other presiding officers in any proceeding under 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders."