

**RCW 4.24.460 Liability of operators for nuclear incidents—  
Presumption of operator negligence—Rebuttal—Recovery for negligence  
or against other parties not limited by section.** (1) Operators are  
liable for failure to exercise ordinary and reasonable care to protect  
persons and property subject to injury in nuclear incidents. In  
addition, operators are liable for operational expenses and emergency  
purchases incurred by local or state governments in responding to  
nuclear incidents.

(2) If a nuclear incident occurs, there is a presumption that the  
operator of a waste repository was negligent in constructing,  
operating, or monitoring the waste repository, or in transporting  
radioactive waste, and that the operator was an actual cause of the  
nuclear incident. The presumption may be rebutted by a clear and  
convincing showing by the operator that the nuclear incident was not  
the result of the operator's negligence and that the operator's  
negligence was not an actual cause of the nuclear incident.

(3) This section does not limit the recovery of parties injured  
by a nuclear incident against the operators of a waste repository  
under theories of negligence in selecting contractors, failure to  
retain adequate controls over the waste repository, vicarious  
liability for contractors, failure to take reasonable precautionary  
measures with respect to inherently dangerous activities, and other  
negligence theories. This section does not limit the recovery of  
parties injured by a nuclear incident against parties other than  
operators of a waste facility. [1985 c 275 s 2.]