

**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 § 2.]