

No. 6609

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**UNITED STATES OF AMERICA  
and  
GREECE**

**Exchange of notes (with annex) constituting an agreement relating to the use of Greek ports and territorial waters by the N.S. *Savannab*. Athens, 23 and 24 April 1962**

*Official text: English.*

*Registered by the United States of America on 15 April 1963.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
GRÈCE**

**Échange de notes (avec annexe) constituant un accord relatif à l'utilisation des eaux territoriales et des ports grecs par le N.S. *Savannab*. Athènes, 23 et 24 avril 1962**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 15 avril 1963.*

No. 6609. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND GREECE RELATING TO THE USE OF GREEK PORTS AND TERRITORIAL WATERS BY THE N.S. *SAVANNAH*. ATHENS, 23 AND 24 APRIL 1962

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I

*The American Ambassador to the Greek Minister of Foreign Affairs*

No. 279

Athens, April 23, 1962

Excellency :

I have the honor to attach as an Annex to this Note the text which has resulted from communications and discussions between representatives of our two Governments regarding the use of Greek ports and territorial waters by the N.S. *Savannah*.

I have the honor to propose that if the provisions of the attached Annex are acceptable to your Government, this Note and its attached Annex and Your Excellency's reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Henry R. LABOUISSÉ

Enclosure :

Text of Agreement

His Excellency Evangelhos Averoff-Tossizza

Minister of Foreign Affairs

Athens

AGREEMENT BETWEEN THE ROYAL HELLENIC GOVERNMENT AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE USE OF GREEK PORTS BY THE N.S. *SAVANNAH*

The Royal Hellenic Government and the Government of the United States of America (referred to herein as the United States), having a mutual interest in the peaceful uses of Atomic Energy, including its application to the merchant marine, have agreed as follows :

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<sup>1</sup> Came into force on 24 April 1962 by the exchange of the said notes.

*Article I*

## ENTRY OF THE N.S. "SAVANNAH" INTO PORTS OF GREECE AND TERRITORIAL WATERS OF GREECE

(a) Entry of the N.S. *Savannah* (referred to herein as the ship) into Greek ports and territorial waters and the use thereof shall be subject to the prior approval of the Royal Hellenic Government.

(b) The visits of the ship to Greek ports and territorial waters shall be guided by the principles and procedures set forth in Chapter VIII of the Safety of Life at Sea Convention as proposed by the 1960 London Conference<sup>1</sup> and the proposed Annex C to the Convention, being the Recommendations Applicable to Nuclear Ships.

*Article II*

## SAFETY ASSESSMENT

(a) To enable the Royal Hellenic Government to consider the grant of approval for entry and use of Greek ports and territorial waters by the ship, the Government of the United States shall provide a Safety Assessment prepared in accordance with Regulation 7 of Chapter VIII of the Safety of Life at Sea Convention of 1960 and in accordance with Recommendation 9 of Annex C of that Convention.

(b) The conduct of environmental surveys will be the responsibility of the Royal Hellenic Government with assistance from the United States as mutually agreed.

(c) As soon as practicable after receipt of the Safety Assessment, the Royal Hellenic Government shall notify the Government of the United States that the ship can be operated in the ports and territorial waters of Greece in accordance with this Agreement and the mutually accepted Safety Assessment.

*Article III*

## PORTS AND SPECIAL CONTROL

The Royal Hellenic Government shall determine the port or ports to be visited and will designate the authorities responsible for acceptance arrangements and for special control under Regulation 11 of Chapter VIII of the proposed SOLAS Convention.

*Article IV*

## PORT ARRANGEMENTS

(a) Appropriate authorities of the Royal Hellenic Government shall make arrangements for entrance of the ship into Greek ports and the use thereof.

<sup>1</sup>The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series* 5099, p. 2, footnote 1): "Done at London June 17, 1960. Ratified by the President of the United States of America May 11, 1962, but not in force at the time of this publication. For the text thereof, see *S. Ex. Doc. D, 87th Cong., 2d sess.*"

(b) Local authorities shall take all necessary measures for offship fire and police protection, crowd control and the general preparation of berthing facilities in the harbor with respect to acceptance of the ship.

(c) Control of public access to the ship shall be the responsibility of the Master of the ship. Special arrangements relating to such control shall be developed by the Master with the concurrence of appropriate port authority.

(d) The Master shall comply with local regulations existing at the time the ship enters port so long as these regulations are not inconsistent with the Safety Assessment of the nuclear plant.

#### *Article V*

##### INSPECTION

While the ship is within Greek territorial waters, the designated authorities shall have reasonable inspection access to the ship and its operating records and program data for purposes of determining whether the ship has been operating in accordance with the operating manual of the ship.

#### *Article VI*

##### RADIOACTIVE MATERIALS

(a) The Government of the United States shall ensure that no disposal of radioactive liquid or solid wastes shall take place from the ship while she is within the territorial waters of Greece without the specific prior approval of the appropriate authorities of the Royal Hellenic Government.

(b) Any ship's cargo of a radioactive nature for delivery to Greece or for shipment from Greece shall be documented and handled in conformance with normal Greek customs procedures.

#### *Article VII*

##### MAINTENANCE AND SERVICING

The use of contractors for maintenance, repair and servicing of the nuclear equipment on the ship in Greek territorial waters shall be restricted to those contractors having the approval of appropriate Greek authorities for the rendering of such services.

Nothing in the present Article will be construed to mean that the Royal Hellenic Government renounces its sovereign right of forbidding the servicing and maintenance of the ship in Greek waters if this is incompatible with public safety.

#### *Article VIII*

##### CASUALTIES

A report, such as is required by Chapter VIII Regulation 12 of the Safety of Life at Sea Convention of 1960, shall be made to the appropriate authorities by the Master of the ship in the event of any accident, likely to lead to an environmental hazard, while the ship is in or is approaching the territorial waters of Greece.

*Article IX*

## LEGAL ACTIONS

In any legal action or proceeding brought in person against the United States in a Greek court of competent jurisdiction, on account of any nuclear incident caused by the ship in Greek ports and Greek territorial waters or where damage arising out of or resulting from a nuclear incident caused by the ship is sustained in Greece, the United States agrees not to interpose the defense of sovereign immunity and to submit to the jurisdiction of such court and in such case the United States will not seek to invoke the provisions of the Greek law or any other law relating to the limitation of shipowner's liability.

Nothing in this Article will prevent Greek citizens or other persons domiciled in Greece, who are victims of a nuclear incident as referred to in this Agreement, or their heirs, from claiming damage or compensation in accordance with applicable law by suit in a court of the United States. However, no suit by those concerned, as defined in this Agreement, can be filed with a United States court if a similar suit is already pending before a Greek court, unless and until the procedure having thus been initiated has come finally to an end for any reason or cause whatsoever, in conformity with rules of procedure being applied by Greek courts.

*Article X*

## INDEMNIFICATION

The United States represents that there is an agreement in effect between the U.S. Atomic Energy Commission and the U.S. Maritime Administration whereunder the Atomic Energy Commission, acting upon the authority of Section 170 of the Atomic Energy Act of 1954 (Public Law 83-703), as amended by the Public Law 85-256 and Public Law 85-602, has agreed to indemnify the U.S. Maritime Administration and other persons indemnified against claims for public liability arising from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the ship in the amount of \$500 million including the reasonable costs of investigating and settling claims and defending suits for damage. This sum represents the maximum amount for which the United States will be liable for a single nuclear incident involving the ship in conformity with Article IX. The terms "person indemnified," "public liability" and "nuclear incident" have the same meaning herein as in the definitions of those terms as found in Section 11 of the Atomic Energy Act of 1954, as amended, (*U.S. Code*, Title 42, Section 2014).

In the event of a nuclear incident, as referred to in this Agreement, the Royal Hellenic Government reserves the sovereign right to negotiate with the United States on behalf of Greek citizens or other persons domiciled in Greece at the time of the incident and who sustain damage as a result thereof, or on behalf of their heirs, with a view to receiving a total sum of indemnification for allotment to such persons or heirs by the Royal Hellenic Government. In such negotiations, the question of liability and amount of damage shall

be subject to the mutual agreement of the two Governments in accordance with general principles of international law.

*Article XI*

CONTINUANCE OF INDEMNIFICATION

If the above indemnification of the U.S. Maritime Administration should for any reason terminate, the United States agrees that it will not cause or permit the entry of the ship into any Greek port unless there shall be in effect either (1) an agreement of indemnification entered into by the U.S. Atomic Energy Commission under the authority of Section 170 of the Atomic Energy Act of 1954, as amended, and affording a no less favorable measure of indemnification to that described above; or (2) an agreement of indemnification in some form acceptable to the Royal Hellenic Government.

*Article XII*

TERMINATION

Either Government may terminate this agreement by giving no less than 180 days notice to the other.

*Article XIII*

TERM OF AGREEMENT

In the event of entry into force of any general multilateral Convention relating to the safety and operating procedures or third party liability of nuclear powered merchant ships by which both Governments become bound, the present Agreement shall be amended.

II

*The Greek Minister of Foreign Affairs to the American Ambassador*

MINISTÈRE ROYAL DES AFFAIRES ÉTRANGÈRES<sup>1</sup>

N° G216-13

Athens, April 24, 1962

Excellency :

I have the honour to acknowledge the receipt of your letter of April 23, 1962, the text of which reads as follows :

[See note I]

<sup>1</sup> Royal Ministry of Foreign Affairs.

I have the honour to confirm that the provisions of the Annex attached to your letter are acceptable to the Government of Greece and therefore agree that Your Excellency's letter, its attached Annex and the present reply shall be regarded as constituting an agreement between our two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

E. AVEROFF TOSSIZZA

His Excellency Henry R. Labouisse  
Ambassador of the United States of America  
Athens