

No. 7665

**UNITED STATES OF AMERICA
and
DENMARK**

**Agreement concerning visits of the N.S. Savannah. Signed
at Copenhagen, on 2 July 1964**

Official text: English.

Registered by the United States of America on 6 April 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
DANEMARK**

**Accord concernant les visites du N.S. Savannah. Signé à
Copenhague, le 2 juillet 1964**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 6 avril 1965.

No. 7665. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK CONCERNING VISITS OF THE N.S. SAVANNAH. SIGNED AT COPENHAGEN, ON 2 JULY 1964

The Governments of the United States of America and Denmark, having a mutual interest in the peaceful uses of atomic energy, including its application to the merchant marine, have agreed as follows concerning such visits of the N.S. *Savannah* to Denmark as may be authorized by the Government of Denmark.

Article I

ENTRY OF N.S. *Savannah* INTO PORTS OF DENMARK

(a) Each entry of the N.S. *Savannah* (hereinafter designated as the "Ship") into Danish ports and territorial waters and the use thereof shall be subject to the prior approval of the Government of Denmark.

(b) The visits of the Ship to Danish ports and territorial waters shall be governed, *inter alia* but not exclusively, by the principles and procedures set forth in Chapter VIII of the Safety of Life at Sea Convention of 1960² and in the Recommendations Applicable to Nuclear Ships contained in Annex C to the Final Act of the 1960 Safety of Life at Sea Conference.

Article II

SAFETY ASSESSMENT

(a) To enable the Government of Denmark to consider the grant of approval for entry and use of Danish 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 mentioned above.

(b) As soon as practicable after receipt of the Safety Assessment, the Government of Denmark shall notify the Government of the United States whether the Ship can

¹ Came into force on 2 July 1964, by signature.

² See footnote 1, p. 189 of this volume.

be operated in the ports and territorial waters of Denmark in accordance with this Agreement and the Safety Assessment.

Article III

PORTS

The Government of Denmark 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 Safety of Life at Sea Convention of 1960.

Article IV

PORT ARRANGEMENTS

(a) Designated authorities of the Government of Denmark shall make arrangements with appropriate local governmental authorities for entrance of the Ship into Danish ports and the use thereof.

(b) Local governmental authorities shall be responsible for fire and police protection, crowd control and the general preparation of the harbour 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 designated authorities of the Government of Denmark.

(d) The Master shall comply with local regulations so long as in the opinion of the Master these regulations do not adversely affect the operating safety of the nuclear plant.

Article V

INSPECTION

While the Ship is within Danish territorial waters, the designated authorities shall have appropriate 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 WASTE

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 Denmark without the specific prior approval of the designated authorities of the Government of Denmark.

Article VII

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 designated authorities by the Master of the Ship in the event of any incident, likely to lead to an environmental hazard, while the Ship is in or is approaching the territorial waters of Denmark.

Article VIII

LEGAL ACTIONS

The Government of the United States agrees that in any legal action or proceeding brought, *in personam*, against the United States, in a Danish court of competent jurisdiction, on account of any nuclear incident involving the Ship in a Danish port or in Danish territorial waters or for damage arising out of or resulting from a nuclear incident involving the Ship which is sustained in Denmark, the United States will not interpose the defense of sovereign immunity but will submit to the jurisdiction of such court ; and, in such event, the United States will not seek to invoke the provisions of the Danish law, or any other law, relating to the limitations of shipowner's liability.

Article IX

INDEMNIFICATION

The Government of the United States represents that there is an agreement in effect between the United States Atomic Energy Commission and the United States 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), and amended by Public Law 85-256 and Public Law 85-602, has agreed to indemnify the United States 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 United States dollars 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, regardless of where damage may be suffered. The Government of the United States will promptly notify the Government of Denmark in the event this indemnification is terminated.

Article X

DEFINITIONS

(a) The term “nuclear incident” means any occurrence causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or by-product material.

(b) The term “nuclear incident involving the Ship” means any nuclear incident in connection with, arising out of, or resulting from the operation, repair, maintenance or use of the Ship.

(c) The term “person indemnified” means the person with whom an indemnity agreement is executed and any other person who may be liable for public liability for a nuclear incident involving the Ship.

(d) The term “public liability” means any legal liability arising out of or resulting from a nuclear incident, except: (i) claims under United States State or Federal workmen’s compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; and (ii) claims arising out of an act of war. “Public liability” also includes damage to property of persons indemnified, except the Ship and other property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

Article XI

TERMINATION

Either Government may terminate this Agreement by giving no less than 180 days notice to the other. This Agreement terminates in the event the indemnification specified in Article IX is terminated without being replaced by an arrangement equally acceptable to both Governments.

Article XII

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, this Agreement shall be amended.

DONE at Copenhagen this second day of July, 1964, in duplicate in the English language.

For the Government
of the United States of America :
Katharine Elkus WHITE

[SEAL]

For the Government
of the Kingdom of Denmark :
Per HAEKKERUP

[SEAL]