

No. 7675

**UNITED STATES OF AMERICA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

Exchange of notes (with annexes) constituting an agreement relating to the use of United Kingdom ports and territorial waters by the N.S. Savannah. London, 19 June 1964

Official text: English.

Registered by the United States of America on 7 April 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

Échange de notes (avec annexes) constituant un accord relatif à l'utilisation des eaux territoriales et des ports du Royaume-Uni par le N.S. Savannah. Londres, 19 juin 1964

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 7 avril 1965.

No. 7675. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE USE OF UNITED KINGDOM PORTS AND TERRITORIAL WATERS BY THE N.S. SAVANNAH. LONDON, 19 JUNE 1964

I

The British Secretary of State for Foreign Affairs to the American Ambassador

FOREIGN OFFICE

No. GN 1018/67

S.W.1., June 19, 1964

Your Excellency

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America in anticipation of visits of N.S. *Savannah* to ports in United Kingdom territory. I now have the honour to propose an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America in the following terms :

- (1) The operation of N.S. *Savannah* shall be subject to the provisions of the present Agreement including, in respect of conditions for the use of waters and ports, those of Annex 1² which is an integral part hereof, and, in respect of legal liability, the provisions of Annex 2,³ which is also an integral part hereof.
- (2) For the purposes of this Agreement, the term "United Kingdom territory" means, except where otherwise expressly provided, the United Kingdom of Great Britain and Northern Ireland and any territory to which the Agreement has been extended in accordance with paragraph (3) of this Agreement.
- (3) (a) The Government of the United Kingdom may at any time declare by notification in writing to the Government of the United States that this Agreement shall extend to all or any of the territories for the international relations of which the Government of the United Kingdom are responsible.

¹ Came into force on 19 June 1964 by the exchange of the said notes.

² See p. 102 of this volume.

³ See p. 108 of this volume.

(b) This Agreement shall, from the date of receipt of such notification, or from such other date as may be stated in the notification, extend to the territories specified therein.

(c) The application of this Agreement to any territory in respect of which a notification of extension has been made may be terminated by a notification addressed to the Government of the United States by the Government of the United Kingdom. Such notification shall take effect from the date of its receipt, or from such other later date as may be stated therein.

(4) Either Government may terminate this Agreement by notification addressed to the other, such termination to take effect six months after the date of such notification.

(5) A copy of this Agreement shall be transmitted to the Inter-Governmental Maritime Consultative Organisation by the Government of the United Kingdom.

2. If the above proposal is acceptable to the Government of the United States of America, I have the honour to suggest that this Note, together with Your Excellency's reply to that effect, shall be regarded as constituting an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the above terms which shall enter into force on the date of Your Excellency's reply.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

For the Secretary of State :

Denys BROWN

His Excellency The Honourable David K. E. Bruce, C.B.E.

etc., etc., etc.

W.1.

A N N E X 1

1. Entry of N.S. *Savannah* into any port in United Kingdom territory shall be subject to the prior approval of the Government of the United Kingdom and also, in the case of entry into any port of a territory outside the United Kingdom to which this Annex has been extended in accordance with paragraph (3) of the Agreement, the Government of that territory.

2. To enable the Government of the United Kingdom to consider the grant of the approval referred to in Article 1 of this Annex, the Government of the United States shall provide sufficient information to enable the Government of the United Kingdom to satisfy themselves as to the safety of N.S. *Savannah*. This information shall be supplied in a form and at a time to be agreed and shall include detailed technical information con-

cerning her design, construction, operation and the safeguards incorporated into the ship's nuclear plant and an analysis of hypothetical accidents. This information shall be supplemented from time to time by the Government of the United States to reflect significant design, construction and operation modifications which would necessitate a reappraisal of the Safety Assessment.

3. The Government of the United States shall advise the Government of the United Kingdom that N.S. *Savannah* is constructed and equipped to comply with the requirements of the International Regulations for Preventing Collisions at Sea¹ and with the requirements applicable to comparable ships propelled by conventional means of the International Conventions for the Safety of Life at Sea² and respecting Load Lines³ for the time being in force as between the two Governments. If N.S. *Savannah* does not comply in all respects with the requirements of the aforesaid Regulations and Conventions, a schedule of the differences shall be furnished to the Government of the United Kingdom.

4. The Government of the United States shall assure the Government of the United Kingdom that the Master, officers and crew members of N.S. *Savannah* possess qualifications and experience appropriate to their responsibility and duties.

5. (a) As soon as practicable after receipt of the information referred to in Articles 2 and 3 of this Annex, the Government of the United Kingdom shall notify the Government of the United States whether this information is acceptable as a basis for arrangements to be made for N.S. *Savannah* to enter such ports in United Kingdom territory as may be specified from time to time by the Government of the United Kingdom.

(b) The Government of the United Kingdom shall ensure that arrangements are made for the acceptance of N.S. *Savannah* in such specified ports in United Kingdom territory. The arrangements shall include arrangements with the appropriate port authorities and the provision of such services as may be required for the safety of N.S. *Savannah*.

6. The Government of the United States shall ensure that timely information of the intended arrival of N.S. *Savannah* in any specified port in United Kingdom territory and of the route proposed to be followed after entry into the territorial waters of United Kingdom territory shall be given by the Operators or Master to the Port Authority concerned and to the Government of the United Kingdom.

¹ United Nations, *Treaty Series*, Vol. 191, p. 3; for subsequent actions relating to these Regulations, see references in Cumulative Indexes Nos. 2 to 4. (The Regulations for Preventing Collisions at Sea approved on 17 June 1960 by the International Conference on Safety of Life at Sea, 1960 have not yet entered into force.)

² United Nations, *Treaty Series*, Vol. 164, p. 113; for subsequent actions relating to this Convention, see references in Cumulative Indexes Nos. 2 to 4, as well as Annex A in volumes 419, 466, 470 and 486. (The International Convention for the Safety of Life at Sea, 1960, signed at London on 17 June 1960 has not yet entered into force.)

³ League of Nations, *Treaty Series*, Vol. CXXXV, p. 301. For subsequent actions relating to this Convention published in the League of Nations, *Treaty Series*, see references in General Indexes Nos. 6 to 8 and for those published in the United Nations, *Treaty Series*, see references in Cumulative Indexes Nos. 1 to 4.

7. Authorities designated by the Government of the United Kingdom in accordance with arrangements to be made, shall have reasonable access to N.S. *Savannah* for the purpose of inspecting and monitoring her and her records and programme data while she is within the territorial waters of United Kingdom territory and determining whether she is in a safe condition and is being operated in accordance with the Ship's Operating Manual.

8. The Government of the United States shall ensure that no disposal of radioactive materials, including radioactive waste, shall take place from N.S. *Savannah* while she is within the territorial waters of United Kingdom territory without the prior approval of the Government of the United Kingdom.

9. The Government of the United Kingdom shall accept radioactive waste removed from N.S. *Savannah* provided a specific request for removal has been made to and approved by the appropriate United Kingdom authorities and such waste is packaged in a manner satisfactory to those authorities.

10. The Government of the United States shall ensure that the Master of N.S. *Savannah* shall maintain all safety precautions in any port in United Kingdom territory in accordance with the requirements of the Ship's Operating Manual and the requirements of the Government of the United Kingdom. During the stay of N.S. *Savannah* in port the Master shall co-operate as may be necessary with the Port Authority concerned in measures to ensure safety.

11. (a) Radiological control in N.S. *Savannah* and environmental monitoring shall be the responsibility of the Master of N.S. *Savannah* and shall be carried out in accordance with the requirements of the Ship's Operating Manual.

(b) The Government of the United Kingdom and the Port Authority concerned shall have the right to undertake such radiological monitoring in N.S. *Savannah* as they may consider necessary during her stay in any port in United Kingdom territory.

12. Arrangements relating to the control of public access to N.S. *Savannah* shall be the responsibility of the Master and shall be made in conjunction with authorities designated by the Government of the United Kingdom.

13. Authorities designated by the Government of the United Kingdom or by the Port Authority concerned shall have the right at any time to require the Master of N.S. *Savannah* to remove the ship from any port and/or to close down her reactor provided that due consideration shall be given to the safety of the ship and to the view of the Master.

14. The Government of the United States shall instruct the Master of N.S. *Savannah* that except as may be laid down in the Operating Manual and agreed by the Government of the United Kingdom, no work or operations which might give rise to a nuclear incident (including fuelling or defuelling operations) shall be undertaken within any port in United Kingdom territory.

15. The Government of the United States shall instruct the Master of N.S. *Savannah* to inform immediately the Government of the United Kingdom and any Port Authority concerned in the event of any accident to N.S. *Savannah* or other incident which might

affect the safety of persons in United Kingdom territory and in such an event to consult with the Government of the United Kingdom and the Port Authority on the action to be taken.

16. In the event of the entry into force of any general multilateral convention relating to the safety and operating procedure of nuclear-powered merchant ships by which either the Government of the United States or the Government of the United Kingdom or both become bound, this Annex shall be amended by agreement between the two Governments so as to conform with the provisions of such convention or shall be terminated by either Government giving to the other not less than six months' notice of termination.

A N N E X 2

1. In this Annex, the expression "Indemnification Agreement" means the Agreement of Indemnification between the United States Atomic Energy Commission and the United States Maritime Administration whereunder the Atomic Energy Commission acting under the authority of the United States Atomic Energy Act of 1954, as amended, has agreed to indemnify the United States Maritime Administration and other persons indemnified against claims for public liability arising from a nuclear incident in connexion with the design, development, construction, operation, repair, maintenance or use of the N.S. *Savannah* to the amount of U.S.\$500 million including the reasonable costs of investigating and settling claims and defending suits for damage (the terms "person indemnified", "public liability" and "nuclear incident" being defined in Section 11 of the United States Atomic Energy Act of 1954, as amended, are used in this Annex with the meanings there assigned to them).

2. The Government of the United States shall provide compensation for all loss, damage, death or injury in United Kingdom territory (including territorial waters) arising out of a nuclear incident involving N.S. *Savannah* to the extent that the Government of the United States, the United States Maritime Administration or a person indemnified under the Indemnification Agreement is liable for public liability in respect of such loss, damage, death or injury.

3. The aggregate liability of the Government of the United States in accordance with Article 2 of this Annex shall not exceed \$500 million for any single incident regardless of where damage may be incurred.

4. In respect of the loss, damage, death or injury referred to in Article 2 above, and subject to the provisions of this Annex the Government of the United States and the United States Maritime Administration —

(a) shall not, in proceedings brought *in personam*, plead sovereign immunity but shall submit to the jurisdiction of courts in United Kingdom territory having jurisdiction ;

(b) shall not seek to invoke the provisions of the law of any part of United Kingdom territory or any other law relating to limitation of liability ;

(c) shall not pursue any right of recourse against any person who may have caused or contributed to such loss, damage, death or injury.

5. The Government of the United States shall ensure that prompt payment is made in respect of the liability referred to in Article 2 of this Annex.

6. If the Indemnification Agreement should for any reason be terminated or revised the Government of the United States shall not cause or permit the entry of N.S. *Savannah* into the internal or territorial waters of United Kingdom territory unless there is in effect either

(a) an agreement of indemnification entered into by the United States Atomic Energy Commission under the authority of Section 170 of the United States Atomic Energy Act of 1954, as amended, and affording an equivalent measure of indemnification to that provided by the Indemnification Agreement ; or

(b) an agreement of indemnification in some other form acceptable to the Government of the United Kingdom.

7. The Maritime Transportation and Litigation Agreement of December 4, 1942¹ shall not apply to any nuclear incident involving N.S. *Savannah*.

II

The American Ambassador to the British Secretary of State for Foreign Affairs

No. 62

London, June 19, 1964

Excellency :

I have the honor to acknowledge receipt of Your Excellency's note No. GN 1018/67 of this same date proposing an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, which Note reads as follows :

[See note I and annexes 1 and 2]

The foregoing proposals are acceptable to the Government of the United States of America and I have the honor to confirm that your Note, together with this reply, shall be regarded as constituting an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America which shall enter into force on today's date.

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

David BRUCE

His Excellency Rt. Hon. R. A. Butler, C.H., M.P.
Secretary of State for Foreign Affairs
London

¹ League of Nations, *Treaty Series*, Vol. CCV, p. 33, and United Nations, *Treaty Series*, Vol. 6, p. 285, and Vol. 16, p. 360.