

No. 9900

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**UNITED STATES OF AMERICA  
and  
YUGOSLAVIA**

**Exchange of notes constituting an agreement regarding liability during private operation of N.S. *Savannah* (with enclosure). Belgrade, 23 January and 24 April 1967**

*Authentic text of the notes: English.*

*Authentic texts of the enclosure: English and Serbo-Croat.*

*Registered by the United States of America on 1 October 1969.*

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

**Échange de notes constituant un accord définissant les clauses de responsabilité à l'occasion de l'exploitation du N.S. *Savannah* par une entreprise privée (avec pièce jointe). Belgrade, 23 janvier et 24 avril 1967**

*Texte authentique des notes: anglais.*

*Textes authentiques de la pièce jointe: anglais et serbo-croate.*

*Enregistré par les États-Unis d'Amérique le 1<sup>er</sup> octobre 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND  
YUGOSLAVIA REGARDING LIABILITY DURING PRI-  
VATE OPERATION OF N.S. SAVANNAH

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*The American Ambassador to the Yugoslav State Secretary  
for Foreign Affairs*

No. 458

The Ambassador of the United States of America presents his compliments to the State Secretary for Foreign Affairs of the Socialist Federal Republic of Yugoslavia and has the honor to communicate the following:

Within the limitations of liability for a single incident set by United States Public Law 85-256 (Annex A), as amended by 85-602 (Annex B) and 89-210 (Annex C), in any legal action or proceeding brought in personam against the operator of the N.S. *Savannah* in a Yugoslav court, the United States Government shall provide compensation by way of indemnity for any legal liability which a Yugoslav court may find for any damage deriving from a nuclear incident in connection with, arising out of or resulting from the operation, repair, maintenance or use of the N.S. *Savannah*, in which the N.S. *Savannah* may be involved within Yugoslav territorial waters, or outside of them on her voyage to or from Yugoslav ports on her regular maritime route between the United States and Yugoslavia if damage is caused in Yugoslavia or on ships of Yugoslav registry. The aggregate liability of the United States Government arising out of a single nuclear incident involving the N.S. *Savannah*, regardless where damage may be suffered, shall not exceed \$500 million. Within the limitations provided by the US Public Laws cited above, the operator of the ship in a proceeding in personam shall be subject to the jurisdiction of the Yugoslav court and shall not invoke the provisions of Yugoslav law or any other law relating to the limitation of shipowner's liability, except national law or international treaty to which both countries are parties providing for limitation of liability of the operator of a nuclear ship, if such national law or international treaty is held applicable by Yugoslav courts.

The Ambassador of the United States of America requests that on the basis of the guarantee above, authorization be granted for the N.S. *Savannah* to

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<sup>1</sup> Came into force on 24 April 1967 by the exchange of the said notes.

enter the Port of Rijeka, it being understood that the guarantee and authorization may be terminated on sixty days written notice given by either Government to the other.

Embassy of the United States of America  
Belgrade, January 23, 1967

## II

### *The Yugoslav Secretariat of State for Foreign Affairs to the American Embassy*

No. 411131

The Secretariat of State for Foreign Affairs of the Socialist Federal Republic of Yugoslavia presents its compliments to the Embassy of the United States of America and, in connection with the guarantee given in the Embassy's Note No. 458 of 23 January 1967, it has the honour to forward to the Embassy, attached to this Note, a certified copy of the permission for the opening of a regular maritime route between the United States and Rijeka by the N.S. *Savannah*. The permission has been issued by the Federal Secretariat for Transport and Communications.

Beograd, 24 April 1967

[SEAL]

Embassy of the United States of America  
Beograd

[SERBO-CROAT TEXT—  
TEXTE SERBO-CROATE]

SAVEZNI SEKRETARIJAT  
ZA SAOBRAĆAJ I VEZE

Broj 335/67-9

Beograd, 4. aprila 1967. god.

*N/b Savannah — uspostavljanje  
linije Rijeka — Luke SAD*

Savezni sekretarijat za saobraćaj i veze rješavajući po molbi "Transagenta" — Rijeka, predstavnika firme First Atomic Ship Transport Inc. (FAST) — brodara nuklearnog broda *Savannah*, za uspostavljanje redovne brodarske linije između luka SAD i Rijeke, nakon što mu je predočena garancija Vlade SAD-e za naknadu eventualnih šteta nastalih kao posljedice nuklearnog incidenta u vezi sa plovidbom i boravkom nuklearnog broda *Savannah* i dopis siv-a S. 20/67 od 25.III 1967., pozivom na član 5. Zakona o obalnom moru, spoljnjem morskom pojasu i epikontinentalnom pojasu Jugoslavije *Službeni list SFRJ* br. 22/65), donosi sljedeće

#### REŠENJE

Odobrava se First Atomic Ship Transport Inc. (FAST) pristajanje u luku Rijeka *n/b Savannah* u okviru redovite brodarske linije između luke Rijeka i luka SAD, koju će obavljati *n/b Savannah*, pod sledećim uslovima:

*Enclosure to the Yugoslav note  
[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]*

FEDERAL SEKRETARIAT FOR TRANSPORT  
AND COMMUNICATIONS

No. 335/67-9.

Belgrade, April 4, 1967

*N.S. Savannah — Establishment  
of service between Rijeka  
and U.S. ports*

The Federal Secretariat for Transport and Communications, acting upon the application of "Transagenta", of Rijeka, agents for the First Atomic Ship Transport Inc. (FAST), ship operators of the nuclear vessel *Savannah*, for establishment of a regular shipping service between U.S. ports and Rijeka, upon taking cognizance of the guarantee given by the United States Government for indemnifying any damage arising from a nuclear incident in connection with the navigation and sojourn of the nuclear vessel *Savannah*, and having received a communication from the Federal Executive Council, dated March 25, 1967, No. S 20/67, referring to Art. 5 of the Law concerning the Territorial Sea, the Contiguous High Seas Zone, and the Epicontinental Waters of Yugoslavia (*Off. Gazette of the Soc. Fed. Republic of Yugoslavia* 22/65), has adopted the following.

#### DECISION

Approval is hereby given the First Atomic Ship Transport, Inc. (FAST) to have the *N.S. Savannah* dock at the port of Rijeka in connection with a regular shipping service between the port of Rijeka and U.S. ports, to be operated by

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

a) Port's operating plan (plan boravka broda) mora biti odobren od strane Lučke kapetanije Rijeka i Savezne sanitarne inspekcije;

b) n/b *Savannah*, pre uplovljenja u luku Rijeka, dužan je da se usidri na sidrištu koje mu je određeno planom boravka broda (Port's operating plan);

c) Savezni sanitarni inspektorat i organi inspekcije Lučke Kapetanije Rijeka izvršiće na sidrištu pregled n/b *Savannah* radi utvrđivanja činjeničnog stanja u smislu odredaba stava 3. člana 5. Zakona o obalnom moru, spoljnjem morskom pojasu i epikontinentalnom pojasu Jugoslavije i odredaba čl. 14 i 31. Osnovnog zakona o zaštiti od jonizujućih zračenja (*Službeni list SFRJ*, br. 12/65);

d) Lučka kapetanija Rijeka u saradnji sa organima pod c), organima ssi i drugim nadležnim organima na području Skupštine opštine Rijeka, utvrdiće plan preventivnih mera za slučaj opasnosti od nuklearnog incidenta i preduzeće potrebne mere, da se službe, koje su obuhvaćene ovim planom, za vreme boravka nuklearnog broda *Savannah* u luci Rijeka, vrše neprekidno i kontinuirano u skladu sa merama koje su planom predviđene.

Lučka kapetanija Rijeka, nakon što su izvršene radnje od a) do d) ovog Rešenja, i nakon što je dobila mišljenje od Savezne sanitarne inspekcije, po izvršenom pregledu broda od strane te

the N.S. *Savannah* under the following terms and conditions:

(a) The Port's operating plan (plan governing the vessel's stay in port) must be approved by the Harbor Master's Office of the port of Rijeka and by the Federal Health Inspection Service;

(b) The N.S. *Savannah*, before entering the port of Rijeka, shall be required to moor at the anchorage assigned to it in the port's operating plan;

(c) The Federal Health Inspection Service and inspectors from the Rijeka Harbor Master's Office shall make an inspection of the N.S. *Savannah* at her moorings to determine her actual condition with respect to Section 5(3) of the Law concerning the Territorial Sea, the Contiguous High Seas Zone, and the Epicontinental Waters of Yugoslavia, and Sections 14 and 31 of the General Law on Safeguards against ionizing Radiation (*Off. Gazette of the Soc. Fed. Republic of Yugoslavia*, No. 12/65);

(d) The Harbor Master's Office in Rijeka, cooperating with the agencies mentioned in (c) above, with the Federal Health Inspection Service, and with other responsible authorities of the Rijeka City Council, shall draw up a plan of preventive measures in the event of danger of a nuclear incident and shall take the necessary steps to ensure that the services cooperating in such a plan carry out, on a continuous and continual basis, the measures provided for therein while the nuclear vessel *Savannah* is in the port of Rijeka.

The Harbor Master's Office in Rijeka, after carrying out the measures enumerated in (a) to (d) above, and upon receiving a report of the Federal Health Inspection Service on the completion of its inspec-

inspekcije, izdaće dozvolu brodu za uplovljenje i vršenje trgovačkih operacija shodno stavu 3. člana 5. Zakona o obalnom moru, spoljnjem morskom pojasu i epikontinentalnom pojasu Jugoslavije.

Kod svakog idućeg pristajanja n/b *Savannah* u luku Rijeka, u obavljanju linskih usluga između luke Rijeka i luka SAD, Lučka kapetanija Rijeka dužna je, također, da o datumu pristajanja pravovremeno obavesti SSI, i Savezni sanitarni inspektorat.

Kompanija FAST odnosno njen predstavnik u SFRJ, dužna je da za svako sledeće pristajanje broda u luku Rijeka pravovremeno obavesti Lučku kapetaniju Rijeka o datumu pristajanja broda, ali ne kasnije do deset dana pre svakog uplovljenja broda u luku.

Pri svakom sledećem pristajanju n/b *Savannah* u luku Rijeka, Lučka kapetanija Rijeka postupiće onako kako je navedeno u tačkama a) do d) ovog Rešenja.

Za slučaj ma kakvog nuklearnog incidenta, pored mera koje su za taj slučaj predviđene planom boravka broda i planom preventivnih mera za slučaj opasnosti, Lučka kapetanija Rijeka, u saradnji sa nadležnim organima, utvrdiće sve okolnosti pod kojima se nuklearni incident dogodio, kao i sve radnje neophodne za utvrđivanje materijalne štete nastale povodom incidenta.

Podsekretar:  
Dimitar BOJKOVSKI, s.r.

tion of the vessel, shall issue permission for the vessel to enter the port and to engage in commercial operations in conformity with Sec. 5(3) of the Law concerning the Territorial Sea, the Contiguous High Seas Zone, and the Epicontinental Waters of Yugoslavia.

Upon each succeeding call that the N.S. *Savannah* may make at the port of Rijeka in the course of operating a regular service between the port of Rijeka and U.S. ports, the Rijeka Harbor Master's Office shall be required to notify the Federal Health Inspection Service in due time of the date of such call.

The FAST company or its agents in Yugoslavia shall be required, for each succeeding call of the vessel at the port of Rijeka, to notify the Rijeka Harbor Master's Office of the date of the vessel's call, not later than ten days prior to each time the vessel intends to enter the port

Upon each succeeding call of the N.S. *Savannah* at the port of Rijeka, the Harbor Master's Office shall carry out the measures enumerated in paragraphs (a) through (d), above.

In the event of a nuclear incident of any kind, the Rijeka Harbor Master's Office, in cooperation with the responsible authorities, shall, in addition to taking all the steps prescribed for such a contingency in the port's operating plan, make a determination of all the circumstances in which the nuclear incident has occurred and shall take all necessary steps to inspect the material damage resulting from such an incident.

Dimitar BOJKOVSKI, m.p.  
Deputy Secretary