

No. 9904

**UNITED STATES OF AMERICA**  
and  
**REPUBLIC OF CHINA**

**Exchange of notes constituting an agreement relating to liability during private operation of N.S. Savannah. Taipei, 24 March and 8 June 1967**

*Authentic texts: English and Chinese.*

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

**ÉTATS-UNIS D'AMÉRIQUE**  
et  
**RÉPUBLIQUE DE CHINE**

**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. Taïpeh, 24 mars et 8 juin 1967**

*Textes authentiques: anglais et chinois.*

*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 THE  
REPUBLIC OF CHINA RELATING TO LIABILITY DUR-  
ING PRIVATE OPERATION OF N.S. *SAVANNAH*

I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 34

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Republic of China and, with respect to the proposed visit of the N.S. *Savannah*, 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 35-602 \* (Annex B), 89-210 (Annex C) and 89-645 (Annex D), in any legal action or proceeding brought in personam against the operator of the N.S. *Savannah* in a Republic of China court, the United States Government shall provide compensation by way of indemnity for any legal liability which a Republic of China 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 Republic of China territorial waters, or outside of them on a voyage to or from Republic of China ports if damage is caused in the Republic of China or on ships of Republic of China registry. The aggregate liability of the United States Government arising out of a single nuclear incident involving the N.S. *Savannah*, regardless of 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 proceedings in personam shall be subject to the jurisdiction of the Republic of China court and shall not invoke the provisions of Republic of China 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 Republic of China courts.

<sup>1</sup> Came into force on 8 June 1967 by the exchange of the said notes.

\* Should read 85-602.

If the Government of the Republic of China agrees with the above proposal, the Embassy proposes that this note and the Ministry's affirmative reply shall constitute an agreement between the two Governments which shall enter into force on the date of reply and remain in force unless terminated by either Government on ninety days written notice.

RLB

Embassy of the United States of America  
Taipei, March 24, 1967

[TRANSLATION <sup>1</sup> — TRADUCTION <sup>2</sup>]

MINISTRY OF FOREIGN AFFAIRS  
RÉPUBLIC OF CHINA

No. Wai(56)Pei Mei-1-10508

Taipei, June 8, 1967

The Ministry of Foreign Affairs presents its compliments to the American Embassy and has the honor to acknowledge the earlier receipt of the Embassy's note No. 34 of March 24, 1967, which reads as follows:

[See note I]

On behalf of the Government of the Republic of China, the Ministry of Foreign Affairs has the honor to express its agreement with the proposal set forth in the Embassy's note under reference and affirm that this note and the Embassy's note mentioned above have constituted an agreement between the two Governments to become effective from today's date and to remain in force unless terminated by either Government on ninety days' written notice.

[SEAL]

American Embassy

Taipei

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

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