

No. 7716

**UNITED STATES OF AMERICA
and
ITALY**

**Agreement on the use of Italian ports by the N. S. *Savannah*
(with annexes). Signed at Rome, on 23 November 1964**

Official texts of Agreement: English and Italian.

Official text of annexes: English.

Registered by the United States of America on 26 April 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

**Accord concernant l'utilisation des ports italiens par le
N.S. *Savannah* (avec annexes). Signé à Rome, le
23 novembre 1964**

Textes officiels de l'Accord: anglais et italien.

Texte officiel des annexes: anglais.

Enregistré par les États-Unis d'Amérique le 26 avril 1965.

No. 7716. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY ON THE USE OF ITALIAN PORTS BY THE N.S. *SAVANNAH*. SIGNED AT ROME, ON 23 NOVEMBER 1964

The Government of the United States of America and the Government of Italy, having a mutual interest in the peaceful uses of nuclear energy, including its application to the merchant marine, have agreed on the following principles governing the entry of the N.S. *Savannah* into Italian waters in connection with any visit of the vessel to an Italian port.

Article I

ENTRY OF THE N.S. "SAVANNAH" INTO PORTS

(a) The entry into and stay of the N.S. *Savannah* (hereinafter referred to as "the Ship") in Italian waters and ports and the use thereof shall be subject to the prior approval of the Italian Government.

(b) The visits of the Ship to Italian ports shall be governed by the principles and procedures set forth in Chapter VIII of the Convention on the Safety of Life at Sea as proposed by the 1960 London Conference² and in the Recommendations applicable to nuclear ships contained in Annex C² to the Final Act of that Conference. Those principles and procedures are embodied in the present Agreement by reference and have the same force as if they had been included herein.

Article II

SAFETY REPORT

(a) To enable the Italian Government to give its approval for the entry of the Ship into Italian ports and the use thereof, the Government of the United States shall submit a Safety Report prepared in accordance with Regulation 7 of Chapter VIII of the 1960 Convention on the Safety of Life at Sea and in accordance with Recommendation 9 of Annex C mentioned above.

¹ Came into force on 23 November 1964, upon signature, in accordance with article X.

² The following information is provided by the Government of the United States of America: Done at London June 17, 1960. Will enter into force May 26, 1965. For text see S. Ex. Doc. K, 87th Cong., 1st sess., pp. 370, 444.

(b) As soon as possible after receipt of the Safety Report, the Italian Government shall notify the Government of the United States that the Ship may be operated in the port or ports designated in accordance with this Agreement, the Safety Report, and the Manual of Operations.

Article III

PORT ARRANGEMENTS

(a) The Italian Government shall give the competent authorities the instructions necessary for the entry of the Ship into Italian ports and for the use thereof.

(b) The competent Italian authorities shall take all necessary measures for fire safety and police protection, crowd control, and the general preparation of facilities relating to the entry of the Ship.

(c) Control of public access to the Ship shall be the responsibility of the Master of the Ship. Special arrangements for such control shall be agreed upon by the Master and the authorities designated by the Italian Government.

(d) The Master shall comply with local regulations. If the Operator or the Master himself considers that the application of those regulations does not fulfil the safety requirements of operation of the nuclear plant, the necessary measures shall be agreed upon in this connection.

(e) The Italian Government shall see to the surveillance of the areas in the vicinity of the Ship, with the assistance of the Government of the United States, as mutually agreed.

Article IV

INSPECTION

While the Ship is in Italian territorial waters, the designated authorities shall have reasonable access to it for purposes of inspecting the Ship and its operating records and program data, to determine whether it has been operated in accordance with the Manual of Operations.

Article V

RADIOACTIVE MATERIALS

(a) The Government of the United States shall insure that no disposal of radioactive liquid or solid wastes shall take place from the Ship except as stated in STS-9 (N.S. *Savannah* Technical Specifications) of May 1964.

(b) Disposal of radioactive liquid or solid substances within Italian territorial waters and ports shall take place from the Ship only with the specific prior approval of competent Italian authorities.

(c) Release of any radioactive gaseous substances from the Ship while within Italian territorial waters and ports shall be at or below permissible levels as specified by competent Italian authorities. Disposal or release of any radioactive gaseous substances within Italian territorial waters and ports which exceed such permissible levels shall be subject to prior approval of competent Italian authorities.

Article VI

REGULAR MAINTENANCE AND SPECIAL MAINTENANCE

The awarding of contracts for assistance in the repair, regular maintenance and special maintenance of the nuclear equipment of the Ship while it is in Italian waters shall be limited to the organizations which the designated Italian authorities have authorized to provide such services.

Article VII

ACCIDENTS

A report such as that required in Chapter VIII, Regulation 12, of the 1960 Convention on the Safety of Life at Sea shall be made to the designated Italian authorities by the Master of the Ship in the event of any incident that can constitute an environmental hazard while the Ship is in or is approaching the territorial waters of Italy.

Article VIII

LIABILITY FOR DAMAGE

Within the limitations of liability set by United States Public Law 85-256 (annex "A"),¹ as amended by 85-602 (annex "B"),² in any legal action or proceeding brought *in personam* against the United States in an Italian court, the United States Government will pay compensation for any responsibility which an Italian court may find, according to Italian law, for any damage to people or goods deriving from a nuclear incident in connection with, arising out of or resulting from the operation, repair, maintenance or use of the Ship, in which the N.S. *Savannah* may be involved within Italian territorial waters, or outside of them on a voyage to or from Italian ports if damage is caused in Italy or on ships of Italian registry.

¹ See p. 144 of this volume.

² See p. 154 of this volume.

Subject to the \$500 million limitation in such public laws, the United States Government agrees not to interpose the defense of sovereign immunity and to submit to the jurisdiction of the Italian court and not to invoke the provisions of Italian laws or any other law relating to the limitation of ship-owners' liability.

Article IX

TERM OF THE AGREEMENT

In the event of the entry into force of any multilateral convention relating to the safety and operating procedures or the third-party liability of nuclear-powered merchant ships which is binding on both the Italian Government and the Government of the United States of America, the present Agreement shall be amended with the mutual consent of the parties so as to bring it into conformity with the provisions of the new convention.

Article X

ENTRY INTO FORCE OF THE AGREEMENT

The present Agreement shall enter into force upon signature by the contracting parties.

Article XI

TERMINATION

Either Government may terminate this Agreement by giving the other at least 180 days' notice.

DONE at Rome, in duplicate, in the English and Italian languages, both texts being equally authentic, this 23rd day of November 1964.

For the Government
of the United States of America :
G. Frederick REINHARDT

For the Government
of the Italian Republic :
Attilio CATTANI

ANNEX A

Public Law 85-256. 85th Congress, H. R. 7383. September 2, 1957

AN ACT TO AMEND THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Atomic Energy Act of 1954, as amended, is amended by adding a new subsection to read as follows :