

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **02-20631** CR - LENARD
33 U.S.C. § 1908(a)

MAGISTRATE JUDGE
SIMONTON

UNITED STATES OF AMERICA)
)
v.)
)
NORWEGIAN CRUISE LINE LIMITED,)
)
Defendant.)

FILED
02 JUL 30 PM 2:11
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI

INFORMATION

The United States Attorney charges that:

COUNT I

INTRODUCTION

At all times relevant to this Criminal Information:

1. Defendant Norwegian Cruise Line Limited ("NCL"), was a Bermuda corporation registered to do business in the State of Florida, with its corporate headquarters in Miami, Florida. NCL has operated vessels out of the Port of Miami since 1966. NCL operated and controlled a fleet of cruise ships, including the *S.S. Norway* ("Norway") cruise ship.

2. The *Norway* was a cruise ship of approximately 76,049 gross tons, which was approximately 1,035 feet long and capable of carrying 2,032 passengers and 920 crew members.

The *Norway* was registered in the Commonwealth of the Bahamas and operated from the home port of Miami, Florida where it typically sailed from and returned to Miami, Florida on a weekly basis on voyages to the Caribbean.

3. The *Norway* had an Engine Department headed by a Chief Engineer, Senior and Junior and a First Engineer, Senior and Junior. There was usually one Second Engineer assigned to the control room during each four hour duty period and two or more Second Engineers in the engine spaces; the Second Engineers also were each typically responsible for a particular system in the engine room. At least one of the Second Engineers was assigned specific responsibility for the Oil Water Separator ("OWS"), a required pollution prevention device.

4. Large vessels like the *Norway* produce waste oil as a result of the operation of machinery in the engine room. Some of this waste oil, along with water and other liquids, accumulates in the bottom or "bilges" of the vessel. Typically, this waste liquid drains into the "bilge wells," compartments set into the bottom of the bilges. This oily waste is to be collected and run through various processes designed to separate the oil and other wastes from the water. These processes include settling tanks and a required water pollution prevention device known as an "Oily Water Separator" (also known as an "Oil Water Separator") ("OWS"). An OWS is designed to remove or separate the oils from the water prior to the discharge of the "clean" water overboard into the sea. The contaminated water must first pass through a sensor that sounds an audible alarm when it detects more than 15 parts per million oil. When more than 15 parts per million of oil is detected, a solenoid powered three way valve is designed to divert the discharge water from the overboard position to one which retains the oil contaminated bilge waste on the

ship. An Oily Water Separator requires maintenance, cleaning, and the replacement of its filters on a regular basis. The waste oil is to be stored in tanks aboard the vessel for proper disposal.

5. Large vessels such as the *Norway* are required to maintain an accurate and complete Oil Record Book ("ORB") in which transfers and discharges of oil are to be recorded. 33 C.F.R. § 151.25(a). All transfers, overboard discharges and disposal of bilge waste, oil and sludge are to be recorded in the ORB. 33 C.F.R. § 151.25(d). All accidental, emergency or other exceptional discharges of bilge waste or oil must be recorded in the ORB along with the reason for the discharge. 33 C.F.R. § 151.25(g). Each entry, including the overboard discharge of bilge waste, is required to be fully recorded without delay in the ORB and signed by the person or persons in charge of the operation. 33 C.F.R. § 151.25(h). The Captain (also known as the "Master") of the ship is also required to sign each completed page of the ORB. 33 C.F.R. § 151.25(h).

6. The United States Coast Guard was charged with enforcing United States law and was empowered to board vessels and conduct investigations of potential violations. 14 U.S.C. § 89. Vessels such as the *Norway* were inspected by the USCG. In conducting these inspections, United States Coast Guard relied upon a ship's documents, including ORBs, and statements of the crew.

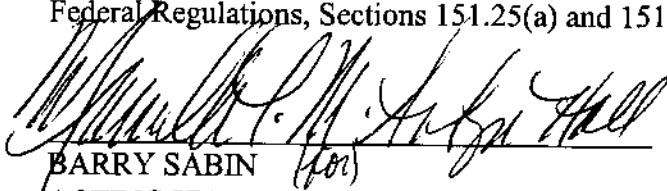
7. On a regular and routine basis, the *Norway* discharged and caused the discharge of oil contaminated bilge waste and created a false ORB to conceal the discharges and the inadequacy and inoperability of the OWS system from the United States Coast Guard.

8. From on or about April 1, 2000 through on or about April 30, 2000, in waters of the United States, within the Southern District of Florida, the defendant,

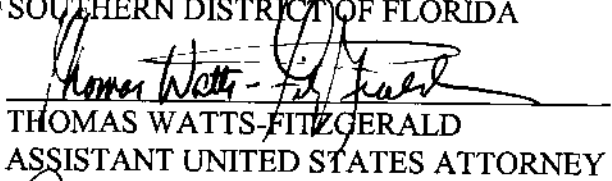
NORWEGIAN CRUISE LINE LIMITED,

did knowingly and willfully fail to maintain an Oil Record Book in which all overboard discharges were fully recorded by intentionally failing to report and falsely reporting overboard discharges of oil contaminated bilge waste in the Oil Record Book for the *S.S. Norway* cruise ship.

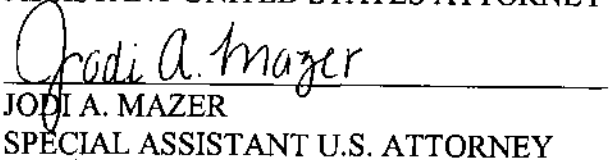
All in violation of Title 33, United States Code, Section 1908(a) and Title 33, Code of Federal Regulations, Sections 151.25(a) and 151.25(h).



BARRY SABIN
ACTING UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA



THOMAS WATTS-FITZGERALD
ASSISTANT UNITED STATES ATTORNEY



JODI A. MAZER
SPECIAL ASSISTANT U.S. ATTORNEY



RICHARD A. UDELL
SENIOR TRIAL ATTORNEY
ENVIRONMENTAL CRIMES SECTION
UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

02-20631 CR-LENARD

Defendant Name: NORWEGIAN CRUISE LINE LIMITED

Case No. _____

MAGISTRATE JUDGE
SIMONTON

Count #: I
33 U.S.C. 1908(a)
*Max Penalty: 1-5 Probation/ 500,000 fine
Count #: II
*Max Penalty:
Count #:
*Max Penalty:
Count #:
*Max Penalty:
Count #:
*Max Penalty:
Count #:
*Max Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.