

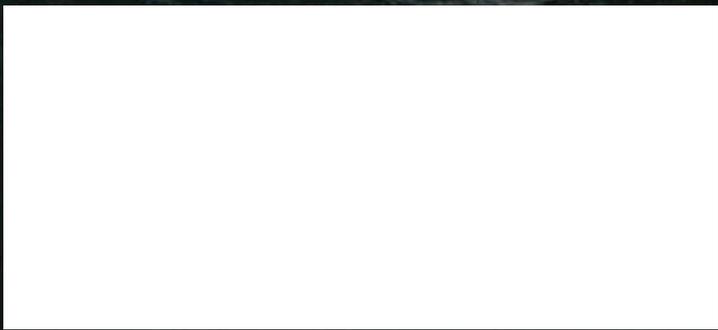
# Marine

## News

DECEMBER 2010

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# Great Boats of 2010



### Insights

#### **RICK BIBEN**

President & CEO of  
Gibbs & Cox shares his  
insights on the future



### Legal

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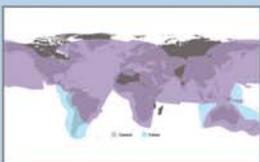
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## On the Cover

# 24 Great Boats of 2010

*Pictured on this month's cover is the Fire Boat Three Forty-Three, built by Eastern Shipbuilding for the NY City Fire Department, named in honor of the 343 NYC Firefighters lost in the terrorist attack of 9/11.*



Photo: Creative Communications Consultants

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In this Great Boats 2010 edition of *MarineNews* we review a year of first in class, one of a kind and otherwise innovative commercial boats. Despite uncertain economic times, work boat companies and government agencies continue to upgrade their fleets with more powerful, efficient and environmentally sound vessels. Among the most unique is the BRAtt, a collaboration between tug operator trainer Ron Burchett and naval architects Robert Allan Ltd. I had the opportunity to go for a ride on this miniature tug on Lake Union while Burchett had his creation handy for the SNAME Annual Meeting & Expo and the Pacific Marine Expo in Seattle last November. Burchett explained how he plans to start his new training program using the BRAtt, his own son, and the young deckhand who was working the boat while I was aboard. Burchett's goal is to have both young men trained as tug captains before they hit 25. Using these young mariners as a couple of lucky guinea pigs, Burchett wants to prove that if you can learn to drive a miniature tug that reacts immediately to your every command, then you can manage a larger vessel with much slower response times.



When I took a ride on the BRAtt, it was temporarily berthed at Fremont Tug Boat Company. In contrast to the miniature tug's state-of-the-art navigational controls and the first wheelhouse door I've ever seen made entirely of glass, stepping inside the Fremont Tug Boat Company's office is like going back in time. Mark Freeman, founder of the company and long time tug boat operator, has turned the company's office into a local maritime museum, housing a dozen or so metal filing cabinets filled with files on tugs and barges in the Pacific Northwest and beyond. He's also filled every available space with hundreds of models, probably thousands of historical photographs and every kind of tug boat keepsake you could want. It's a hidden gem on the Seattle waterfront and if you can find it, Freeman said you have to prove you know something about tug boats to get in the door.

A far cry from Freeman's first plywood-built tug, Barf, our Great Boats 2010 line-up features some of the most advanced vessels to come on the scene in 2010. Besides the BRAtt, a few others include the Three Forty-Three, New York City Fire Department's newest fire boat capable of pumping 50,000 gpm, All American Marine's new eco-friendly commuter ferries, and Washington State's newest ferry, the Chetzemoka.

Raina Clark, Managing Editor, rainaclark@marinelink.com

Want to hear more from behind the editor's desk? [Visit the MarineNews Notes blog at www.MaritimeProfessional.com.](http://www.MaritimeProfessional.com)

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Binsfeld performed a case study on the SS Badger, a passenger and vehicle ferry that has been in service since 1953. Currently, the vessel shuttles across Lake Michigan between Manitowoc, Wis. and Ludington, Mich. She is the very last coal-burning steamship in service in North America. Due mostly to environmental regulations, burning coal on the Great Lakes has become problematic. The owners, Lake Michigan Carferry Service, are investigating whether to replace the 60 year old coal-burning steam engines with modern engines. But how much power is needed from the new engines? The old steam engines were rated (60 years ago) at 3,500 hp each, 7,000 hp total for the vessel. Does the ship need all that power? How much

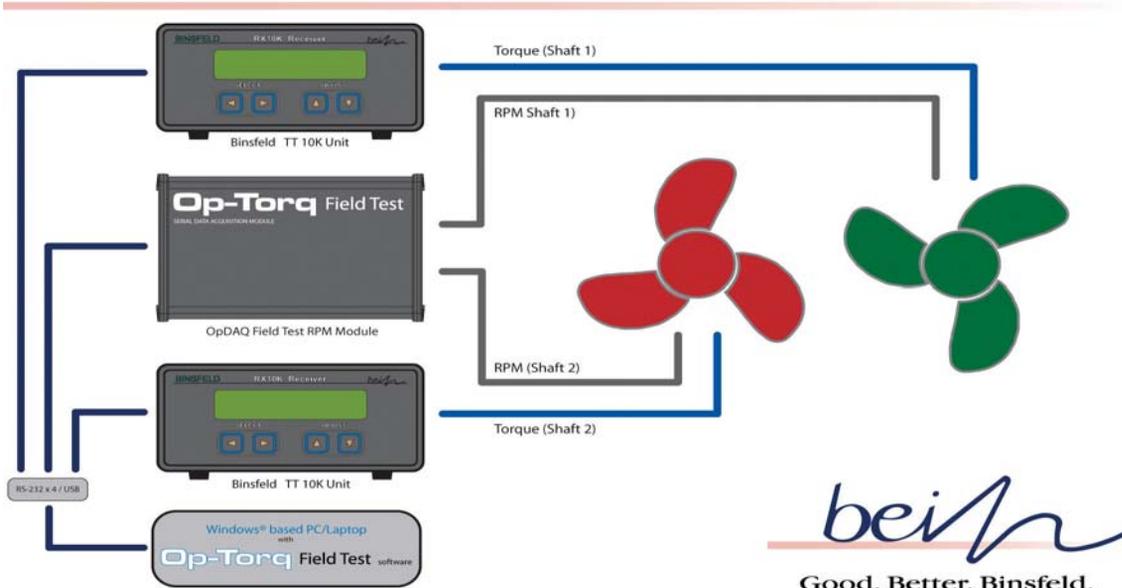
power does she use now during normal operation and the routine crossing of Lake Michigan? These questions needed to be answered in order to specify the new engines.

Binsfeld Engineering and OpDAQ Systems were hired to make live measurements of torque, rpm power on the two propeller shafts while underway, using the TorqueTrak 10K instruments plus Op-Torq Field Test data acquisition system. The results showed that normal operating power for the steam engines was about 1,700 hp per shaft, 3,400 hp total. Maximum power output of the engines was about 2,500 hp per shaft, 5,000 hp total. The team concluded that 7,000 hp is not needed for the new engines and 5,000 hp will be more than sufficient.

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# Rick Biben

Chief Executive and President of Gibbs and Cox, Inc.

*MarineNews* spoke with Rick Biben, Chief Executive and President of Gibbs and Cox, Inc., about his background in the industry, the state of the naval design market, how his company is investing for the future and technological and design advancements in the field.

## What is your background in the industry?

After college (Bryant University, 1972, BS Management) I went into the U.S. Peace Corps (Ecuador, 1972 – 1975) for about three years. I left the government and entered the contractor community in 1979.

I was with Syscon Corporation from 1981 through late in 1999. The company changed ownership a couple times until Northrop Grumman eventually purchased it. I moved for the company from the Washington, DC area to the Newport, R.I. area in 1985, and then moved from R.I. on to San Diego in 1997. As a result I learned a great deal about a very broad customer and technology marketplace from ASW through C4ISR, from platform engineering to modeling, simulation and training systems to information/network security.

In 1999 I was recruited to another company, then named Anteon Corporation (now part of General Dynamics), as Sr. Vice President and Group Manager to lead their west coast operations. I stayed with Anteon until early 2004 when I moved over to Computer Sciences Corporation (CSC) and led their Naval Information Systems organization in San Diego until late 2006.

In December of 2006 I was recruited by Science Applications International Corporation (SAIC) as the Sr. Vice President of their Integrated Systems and Solutions organization. In mid 2008, SAIC asked me to move back to the east coast/Washington DC area and manage a sizeable organization with the objective of business expansion and diversity. My greatest accomplishment in that role was to transform a large management team, which had been reporting to as many as seven separate managers, into a cohesive and very successful team — one that I know will continue to be successful for years to come.

I was honored to have been selected as the Chief Executive and President of Gibbs and Cox, Inc. this past



July and have had a really great experience meeting our employees, customers and industry partners over just the last few months or so.

## What is the outlook for your market right now?

The market continues to evolve, that is certainly one of the reasons for our diversification plans at Gibbs and Cox. In terms of new ship construction for the larger platforms that Gibbs and Cox has historically been heavily involved in, we have seen program cancellations (CG (X)), decreased production (DDG 1000) and numerous program delays. The cycles and oscillations of this type of work therefore have changed and the new start peaks have moved further apart. We are looking at other areas such as engineering studies and services for the government, platform sustainment and improvement, and commercial opportunities, to decrease the depths of the valleys and adjust the peak leveling for the future.

### How is your company investing for the future?

Gibbs and Cox is really one of the last independent naval architecture and maritime engineering companies of its size. Our company is nearly 82 years old now and has a phenomenal background including the design and engineering of over 6,000 naval and commercial ships, nearly 80% of the current U.S. Navy's surface combatant fleet. We are proud to be the design agent supporting the Lockheed Martin team for the Littoral Combat Ship (Freedom class). We fervently believe that our team provides the best solution for the USN in many aspects of value, total cost of ownership, and sustainability.

We are working to diversify our business base and expand further into the engineering services for our current customers with the USN, USCG, and industry (domestic and international). We are focusing a large amount of our growth potential towards that direction. We are in the act of hiring a new Vice President of Business Development with significant focus towards growth in that arena. We are also working to expand our presence in the commercial marketplace. I have spent a lot of start-up time meeting with our partners in the industry, such as BAE/Atlantic, Bollinger, Colonna, Fincantieri/Marinette, GD/BIW, Signal International/Bender, Todd, Vancouver, VT Halter, toward that end. We are also realizing a significant amount of success working with our U.S. Navy customers, such as NSWC CD/Philadelphia, NSWC Dahlgren and the NAVSEA enterprise, on ship sustainability areas. We are just starting up a great new project with the Missile Defense Agency as well.

Lastly, we are involved with and investing in a number of programs in the energy-related areas such as power consumption and utilization, "green ship," and alternative energy. We are also investing in areas such as Computational Fluid Dynamics

(CFD), composite materials, and a variety of design models.

### What have been the most important technological and design advances in the last few years?

Over the years we have seen high performance hull forms moving into

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mainstream surface Navy and commercial components and equipment in the military. We have gone from closed, proprietary/federated architectures to integrated, open architecture systems, even for mission systems. We have seen, and continue to be challenged by, power consumption issues not only for mission systems, but also for propulsion and auxiliaries and now, of course, the resultant challenge to improve consumption and seek alternative sources.

Concerns for increased shipboard quality of life and habitability issues have become more forefront issues than years past.

Overall computer technology improvements have really brought on changes and improvements across the board — from design and engineering, structural analysis, stability through radar systems (Aegis AN/SPY-1), navigation, communications, command and control, and weapons performance. I should include computational fluid dynamics (CFD) as an additional technology enhancement — again, without the computer technology advancements, CFD applications and calculations would

have been less possible.

**What technological and design advances need to be made?**

The short answer is that the key areas are in energy/power and materials. In terms of power, I am including energy sources such as alternative and improved energy products (nuclear, improved electrical, superconducting motors and generators, storage and distribution, fuel cells, batteries, etc.), the focus being reduction in power consumption. In the area of materials, the focus should be on improved composites for strength/durability (shock). Associated weight issues, of course would also improve energy/power concerns. Also materials that are more fire resistant/retardant are necessary. There are trade-offs that need to be analyzed and considered in areas such as reliability versus cost, but the analysis should continue to be on the life cycle aspects — total cost of ownership, rather than just the short term in order to really calibrate the value of the investment.

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### The Zone of Uncertainty

# Seaman or Longshoreman

By Lawrence R. DeMarca, III



Historically in our industry, there has been a clear dichotomy between companies whose employees are seamen that are covered by the Jones Act and those that are longshoremen and covered by the Longshore and Harbor Workers' Compensation Act (LHWCA). The difference was very simple, Jones Act employers and their seamen were responsible for vessel-based duties and operations. Longshore employers hired longshoremen that were land-based although they performed a portion of their duties aboard vessels. However, as with many of the issues that are germane to the industry, the determination as to whether your employees are longshoremen or seamen has, due to changes in the industry, become more difficult to make.

Although the determination of the status of your employees may not be important to the day-to-day operation of the company, it is critically important that you know how your employees are classified so that you can plan accordingly by knowing the duty owed to the people working on your vessels, procuring proper insurance and managing your employees' medical and wage issues after an incident. For example, a Jones Act employer would rely upon its maritime employer liability insurance policy to provide coverage for injuries to a Jones Act seaman. Whereas, a longshore employer would rely on its Longshore and Harbor Workers' Compensation Act insurance policy to provide medical care and lost wages to its employee.

If an employer incorrectly designates its longshore employees as seamen and does not purchase a LHWCA policy, the company could be left without coverage for an employee's injury. Conversely, if a longshore employer incorrectly believes that its employees are seamen and purchases a maritime employers' liability policy, but not a LHWCA policy, it could also be left bare and without insurance coverage for an employee's injury. In addition to seaman status determining which insurance policy provides coverage for an incident, seaman status also invokes different standards of care applicable to both the employer and vessel owner.

If your company purchases both maritime employer liability and longshore coverage, you will be adequately covered in the event of an incident to an employee regardless of the determination of seaman status.

However, if your company has purchased only longshore coverage or just a maritime employer liability policy it is important to take a close look at the tasks performed by your employees to make sure that you are acquiring the proper coverage.

It is important to first understand the difference between a seaman and a longshoreman. An employee is determined to be a seaman under the Jones Act if he or she is permanently assigned to and a member of the crew of a vessel or a fleet of vessels. Seaman status extends to employees while on shore, if the employee was, at the time, an employee of the vessel and engaged within the course and scope of his employment at the time of the incident.

Under the Jones Act, a seaman who suffers an injury has three potential remedies against his or her employer. All three of these claims are usually insured by a maritime employers' liability policy. These claims include (1) a claim for maintenance and cure that is not based upon a claim for negligence, (2) a cause of action for the unseaworthiness of the vessel and (3) a cause of action for negligence. As maintenance and cure are not fault-based and provide workers' compensation style benefits, a seaman's claim against the employer for unseaworthiness and negligence places the seaman at an advantage against his or her employer by being able to bring both a fault-based claim against its employer and a claim for wage and medical benefits, which is traditionally prohibited in other employment settings.

On the other hand, under the Longshore and Harbor Workers' Compensation Act, shore-based employees are entitled to benefits for injuries that may have been suf-

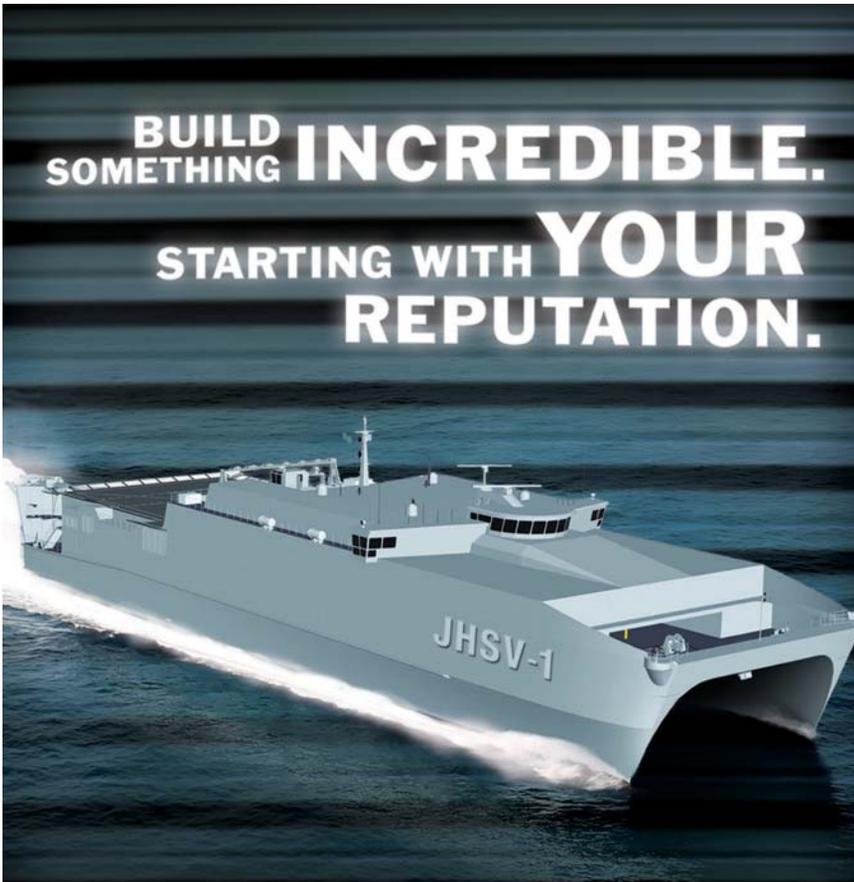
ferred either on land or the water. The test to determine whether an employee is covered by the Longshore Act focuses on both the “situs of the accident” and the status of the worker involved. The situs requirement is satisfied when an employee’s work is upon the navigable waters of the United States including any adjoining pier, wharf, dry dock, terminal, building, marine railway, or other area customarily used by an employer in loading, unloading, repairing or building a vessel. The status requirement is satisfied by showing that an employee is engaged in maritime employment including longshoring operations, harbor work, ship repairs, ship building, etc. This status determination is centered upon the maritime function of the employee.

It is important to remember that a longshore claim against an employer is not based upon proving negligence or the unseaworthiness of the vessel and benefits will be paid regardless of any negligence attributable to the employer or the employee.

The courts have realized that there is an overlap between potential Jones Act and Longshore Act claims. There is a “zone of uncertainty” inevitably connecting the Jones Act and the Longshore Act. As such, employees may file concurrent or successive claims under the Jones Act and the Longshore Act. If a worker is denied Longshore Act benefits because it is determined that he is a seaman, he then will be able to file a claim under the Jones Act. Conversely, if an employee files a Jones Act claim against his employer and it is determined that he is a longshoreman, he will then be allowed to pursue a longshore claim. Employees that fall into this gray zone can pursue either

potential remedy. From our experience, as damages under the Jones Act are usually higher than those paid under the Longshore Act, employees tend to file Jones Act claims and later pursue Longshore Act claims if the Jones Act claim is unsuccessful.

In addition to the importance of seaman status in determining which insurance policy applies in the event of an injury, employee status also determines the applicable standards of care that apply to employers and vessel owners. Vessel owners owe dif-



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## LEGAL PERSPECTIVES

ferent duties to Jones Act employees and longshoremen. Vessel owners/Jones Act employers owe Jones Act seaman a duty to provide a seaworthy vessel and are responsible for any injuries caused by the negligence of either the employer or its employees. Under the Jones Act, negligence is determined under a featherweight standard and is easier to prove than a normal land-based negligence action.

On the other hand, a vessel owner that has longshore employees working aboard its vessel owes an entirely different standard of care. As these longshoremen are covered by their employer's longshore policy (that is not negligence based) the courts have created a higher burden for longshoremen that bring claims against vessel owners. A vessel owner owes three narrow duties to a longshoreman

working aboard their vessels: (1) a duty to turn over the vessel in a reasonable condition and warn the longshoreman of any known dangers, (2) a duty to exercise care in the areas of the ship that are under the active control of the vessel, and (3) a duty to intervene if it becomes aware of a dangerous condition. The traditional lines of which company's employees are considered members of the crew and those that

are traditionally longshoremen have been further clouded by the use of employee leasing companies and the outsourcing of jobs that were traditionally performed by vessel crew. For example, in a supply boat scenario, the vessel owner used to staff its vessels with employees that performed both the vessel's navigational and operational tasks. These positions included deckhands and/or riggers that were responsible for the loading and off-loading of the vessel. As these employees were vessel-based employees of the ship owner that were permanently assigned to the vessel and performing their duties aboard the vessel, they had always been considered Jones Act seamen. However, many of these positions have been outsourced to third-party companies who provide employees to vessel owners.

These third-party hands then perform the tasks previously assigned to the vessel-based crews. However, to achieve seaman status, the employee must be permanently assigned to a vessel or a fleet of vessels. We have seen situations where these third-party hands are permanently assigned to work for one company or aboard a fleet of vessels and are clearly considered seamen. However, we have also seen situations where these third-party employees may work for a short period of time aboard a vessel and then, when that shift is over, be sent to work aboard a vessel owned by another employer. As such, there is no permanence associated with the assignment to a vessel or fleet of vessels. Under this scenario, these employees may be considered longshoremen. If your company purchases both maritime employer liability and longshore coverage,

you will be adequately covered in the event of an incident to an employee regardless of the determination of seaman status. However, if your company has purchased only longshore coverage (assuming your employees are longshoremen) or just a maritime employer liability policy (assuming your employees are seamen) it is important to take a close

look at the tasks performed by your employees to make sure that you are acquiring the proper coverage. As many injuries that occur in the offshore setting can be serious, it is important to make sure that your company does not face any additional exposure due to the incorrect determination of the status of its employees.

**MN**

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**ILWU container crane operator at Port of Los Angeles.**



Photo courtesy the Port of Los Angeles

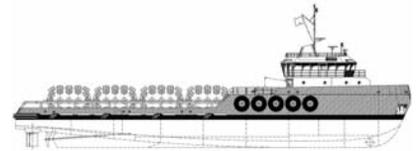
## USDOT \$4M to Combat Invasive Species

The U.S. Department of Transportation's Maritime Administration (MARAD) is providing \$4m to help prevent the spread of aquatic invasive species found in cargo ships plying the Great Lakes and America's inland waterways. The funding is part of the Administration's Great Lakes Restoration Initiative, the largest federal investment in the Great Lakes in 20 years. The initiative's priorities for action — developed by a task force of 16 federal departments — are combating invasive species, cleaning up toxics, protecting wetlands from pollution and restoring wetland and habitats. Through a cooperative agreement with the Northeast Midwest Institute, MARAD is providing funding and technical expertise to help upgrade the Great Ships Initiative (GSI) ballast water treatment technology testing facility. The GSI facility, located in the Duluth-Superior Harbor of Lake Superior and the only one in North America, is being used to test promising water treatment technologies designed to remove unwelcome species "hitchhiking" in ballast water tanks onboard cargo ships.

## EBDG to Design Lightering Support Vessel

AET's new generation lightering support vessel (LSV), designed by Elliott Bay Design Group (EBDG), might look similar to a Gulf supply boat, but several characteristics set it apart. It is designed to be easily built and operated and features less piping, ballast and cargo tankage. Since the vessel is mission-specific to handle Yokohama fenders and small cargos for tankers, there is no need for dry-

bulk tankage and associated pumps for systems such as fuel oil cargo and drill water. The design calls for hi-lift rudders and modest power. The vessel's bow shows minimized flare and the side shell is canted inwards (known as tumble-home) to reduce appendages and surfaces. This minimizes the risk of damage in close-quarters maneuvering and promotes safety and ease of operations when working close-aboard tankers offshore. EBDG's LSV design measures



185 ft by 46 ft by 15 ft and estimated lightship weight is 1,670 tonnes. Currently, Leevac Industries is constructing two LSVs with an option for additional vessels.

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# The Bisso Doctrine

By Jim Shirley



The Bisso Doctrine takes its name from the 1955 U.S. Supreme Court case, *Bisso v. Inland Waterways Corp.*, in which it was established in a majority opinion of the Court that exculpatory clauses in towing contracts are invalid as a matter of public policy. That decision

has had serious impact on the

United States towing industry, and has affected decisions on whether to make U.S. choice of law and forum applicable to towing contracts where there were other options. It nonetheless remains the law of the land. What follows is a general description of the Bisso Doctrine and some highlights showing how the towing industry and the courts of the United States have adapted to it over the last fifty-five years.

The Bisso case arose because a tug towing an unmanned barge caused the barge to collide with a bridge pier. The towing contract included provisions making the tug crew “borrowed servants” of the tow, and stating that the towing services were to be performed at the sole risk of the tow. This, in effect, exculpated the tug owner from the consequences of its own negligence and that of its crew. The holding of the Bisso Court was that it was against the public policy of the United States to include in a towage contract a clause exculpating the tug owner from liability for tug negligence. The Supreme Court believed this was necessary in order “(1) to discourage negligence by making wrongdoers pay damages, and (2) to protect those in need of goods or services from being overreached by others who have power to drive hard bargains.”

The impact of this decision on freedom of contract was immediately obvious, and that was strongly argued in the dissenting opinion of one of the justices on the Bisso Court. Although the decision is arguably in line with the common law principle that a person may not contract against his own negligence, freedom of contract is also a long-standing common law principle. In fact, towing contracts subject to the law of England, the mother country of the common law, routinely incorporate the United Kingdom Towing Conditions which include even stronger exculpatory language than that in the Bisso contract. Also,

At least one commentator has suggested that it appears from the foregoing analysis of Bisso and its progeny, which includes a number of additional cases, that the law is moving away from Bisso without discrediting it. That is important, because the Bisso Doctrine remains “good law.” It is also important to note that not every effort to avoid running afoul of the Bisso Doctrine, either by trying to carve out an exception to it or by creating a provision that is arguably not covered by it but affords a similar result, has succeeded.

the BIMCO contract forms for towage are subject to English law and they contain “knock for knock” provisions that have the same effect by making each party to the contract liable for its own equipment and personnel irrespective of fault. It is not surprising, therefore, that affected parties, particularly those who provided towing services, began looking for ways to avoid running afoul of the Bisso Doctrine.

In 1959, in *Southwestern Sugar & Molasses Co., Inc. v. River Terminals Corp.*, the Supreme Court distinguished Bisso from a situation where the provisions of the towage contract were subject to regulation by the Interstate Commerce Commission (ICC), noting that the Bisso Doctrine might not be appropriate where there are particular hazards involved in the towage. In 1962, the Fifth Circuit Court of Appeals seized upon this distinction and held that where peculiar hazards were involved in the tow and there was equal bargaining strength between the parties and no overreaching to drive a hard bargain, it was permissible for the tow owner to agree to indemnify the tug owner against third-party claims based upon tug negligence and to afford the tug owner the benefit of the tow owner’s liability insurance. That case reached the Supreme Court as *Dixilyn Drilling Corp. v. Crescent Towing and Service Corp.*, and the Supreme Court found that holding to be “squarely in conflict” with the decision in Bisso. It

## LEGAL PERSPECTIVES

found the appellate court to have wrongly decided that the case fell within the ambit of the Southwestern Sugar decision, which it explained was only meant to give the ICC an opportunity to rule on an exculpatory clause that was part of a tariff filed with the ICC. The appellate court's judgment was, therefore, reversed.

As for the Supreme Court, the Bisso Doctrine is still the law. Of course, that has not stopped efforts by towage operators and their legal counsel to find alternatives to exculpatory clauses to achieve similar results, and some of their efforts have found favor in various federal courts of appeal and federal district courts. In the early and mid-1970s several appellate court decisions found language in towing contracts that required each party to fully insure its own vessel with a waiver of subrogation against the other party, and to name the other party as an additional insured, i.e. "mutual benefit of insurance" provisions, not to be exculpatory clauses of the type invalidated in Bisso and Dixilyn. One of the earliest of these "mutual benefit of insurance" decisions was the subject of a petition for certiorari made to the Supreme Court. That is a process required for cases that the Supreme Court is not, as a matter of either party's right, required to hear, but one of the parties nonetheless wants it to do so. In that case, certiorari was denied, so the issue of mutual benefit of insurance clauses in towage contracts was not addressed on its merits by the Supreme Court. A mutual benefit of insurance clause has been upheld by an appellate court even where the barge owner failed to procure the waiver of subrogation or to name the tug as an additional insured (Twenty Grand Offshore,

Inc. v. West India Carriers, Inc). Such a clause has also been implied by an appellate court to exist in a U.S. Government towing contract containing an agreement that the tug owner would not be liable for damage to the barge customarily covered by

insurance, and in which the tug owner had agreed not to insure or to include in the towage price any charge for insurance covering loss to Government property. That court held not only that the fear of overreaching by tug owners did not apply



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## LEGAL PERSPECTIVES

when the tow was owned by the U.S. Government, but also that the Government's "self-insurance program and the prohibition against the contractor's [tug owner] procuring insurance for 'excepted perils' were part of an agreement as to who should procure insurance. Because the government elected to be self-insured, its waiver of the contractor's liability was analytically identical to, and served the same function as, an agreement of one party to waive subrogation rights against the other party." (Gulf & Midlands Barge Line, Inc.)

In 1983, in *Dillingham Tug & Barge Corporation v. Collier Carbon & Chemical Corporation*, the Ninth Circuit Court of Appeals held that benefit of insurance provisions could be valid notwithstanding the fact that they were not mutual. The towage contract in that case provided only that the owner of the tow was to insure his vessel and name the tug owner as an additional assured with a waiver of the right of subrogation. Furthermore, the tow owner was not allowed to collect from the tug owner the amount of the insurance deductible because the contract had required that he fully insure the barge. More recently, in 2002, The District Court for the Northern District of California (which is within the Ninth Circuit) found as valid a clause in a contract for towage limiting the tug owner's liability to \$250,000. The court noted that "Bisso does not address clauses which seek to limit, rather than completely exculpate, a party's liability for its own negligence." It distinguished similar cases that purported to limit the tug owner's liability to de minimus amounts, and cited to Sixth Circuit Court of Appeals authority that Bisso does not invalidate all limitations of liability. The

court also found support in the *Dillingham* decision because, "[a]lthough the instant case does not involve an insurance provision, *Dillingham* is significant in that it recognized that limiting provisions which differ from exculpatory provisions can and should be treated differently where appropriate." (*Gaida Shipping Corporation v. Tug S/R MARE ISLAND and Seariver Maritime, Inc.*)

At least one commentator has suggested that it appears from the foregoing analysis of *Bisso* and its progeny, which includes a number of additional cases, that the law is moving away from *Bisso* without discrediting it. That is important, because the *Bisso* Doctrine remains "good law." It is also important to note that not every effort to avoid running afoul of the *Bisso* Doctrine, either by trying to carve out an exception to it or by creating a provision that is arguably not covered by it but affords a similar result, has succeeded. In determining what will likely achieve the desired result and what will not, it will be important for the tug operator and his legal counsel to consider all the cases, arguments, and decisions, especially those within the judicial districts in which he will be operating or whose law is applicable to his contracts.

**MN**

*Jim Shirley is a Master Mariner, a former salvage master and retired maritime lawyer who specializes in maritime casualty and salvage matters, and now serves as legal counsel to the American Salvage Association and as Principal Consultant in JTS Marine LLC. Contact him at [jtsmarine@verizon.net](mailto:jtsmarine@verizon.net) or (609) 883-3522.*



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### Cal Maritime Receives Challenge Grant from TK Foundation

The California Maritime Academy, a campus of California State University, has been awarded a \$215,000 dollar-for-dollar matching challenge grant from the TK Foundation. Every dollar donated in support of the Navigation Lab by a company, foundation or individual will be matched by the TK Foundation. The gift will support Phase II of the construction of a Navigation Lab



The 500-ft Golden Bear.

onboard Cal Maritime's Training Ship Golden Bear. Each cadet at Cal Maritime participates in at least one, two-month training voyage onboard the ship as part of their education. During the cruise, students sail to various ports in the Pacific Rim while taking courses and running every element of the 24-hour vessel operations under the supervision of faculty and staff.

### Great Lakes Shipyard Begins Work on William Market Ferry

Great Lakes Shipyard of Cleveland, Ohio drydocked the ferry William Market to begin maintenance and repairs for its U.S. Coast Guard five-year inspection. The work will include routine cleaning and painting, hull inspection, valve overhauls and steering system modifications. In addition to this, all of the ferry's exterior fiberglass bench seats are being replaced with new aluminium bench seats.



### Great Lakes Towing Company Barges Windmill Towers

The Great Lakes Towing Company was contracted by KK Integrated Logistics for the barge shipment of windmill towers from Buffalo, N.Y. to Menominee, Mich. The Towing Company's Tug Ohio arrived in Buffalo on November 7, where 22 windmill towers were loaded onto the Barge CBC1268. The tug and barge departed Buffalo on November 12 to make the first of what is expected to be four shipments.



### Derecktor Wins Staten Island Ferry Contract

The NYC Department of Transportation (NYCDOT) said that Derecktor Shipyards has been chosen as the supplier for a five year service and supply contract for maintenance and repair of the Austen Class Staten Island Ferry Boats. The award represents the first major service contract to result from the yard's newly expanded 4,000 ton dry dock. The scope of the contract includes regular required dry dockings and inspections as well as scheduled maintenance such as hull cleaning, hull and superstructure blasting and painting, zinc replacement and mechanical maintenance.



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### Get Ready for

# Changes in Lease Reporting

By Richard J. Paine, Sr.



Since the middle of 2006, the Financial Accounting Standards Board (FASB) and the International Accounting Standards Board (IASB) have been working towards changing how companies report their lease transactions on their balance sheets. Those companies (including publicly traded entities) whose reporting complies with Generally Accepted Accounting Principles (GAAP) must observe the reporting regulations as set down by FASB. The most recent FASB statement regarding lease accounting was made in 1976 and is known as FAS 13.

FAS 13 as we know it is undergoing major change. Consult your accountant to determine the scope of the change and how it will affect your business. As with anything else financial, the new rules will be both complex and arcane. Briefly:

Currently, there are two categories of leases. Operating leases (or in our business, bareboat charters) are financial instruments wherein the lessor/shipowner retains ownership of the asset, can claim and depreciate the asset over its economic life and reports rent from the lessee/charterer as income. For the lessee, operating leases are generally “off-balance sheet” and are currently required to be disclosed only as footnotes on the lessee’s balance sheet. As the lease is not reported as a liability, it tends to skew the overall financial picture of the lessee, especially long term liabilities. The lessee can deduct the lease rental payment as an operating expense.

Capital leases are in effect finance contracts, are treated as liabilities and appear as such on the lessee’s balance sheet. The lessee depreciates the asset, pays “rent” to the lessor consisting of interest and principal, amortizing the lease amount over a given period of time. As the lessor does not claim depreciation in a capital lease, the lessee’s rent payment is usually somewhat higher than in an operating lease. The ownership of the asset is effectively in the hands of the lessee as are the financial benefits and penalties.

To qualify a lease as a capital lease, any one of four tests must be met:

It is important to note that current operating leases will not be grandfathered into the new reporting scheme. Your operating leases will become capital leases virtually overnight and the previously unreported long term debt they reflect will land on your balance sheet just as quickly. The new rules will, when implemented, immediately impact all FASB/GAAP reporting companies with leases on or off their books. Expect fewer leases with shorter lease terms, more uncertain valuation of assets, weakened balance sheet strength, and overall a more difficult credit environment.

- (1) The lessee owns the asset at the end of the lease term.
- (2) There is a bargain purchase price option at the end of the lease term.
- (3) The term of the lease is 75% or more of the economic life of the asset.
- (4) The present value of the rents, using the lessee’s incremental borrowing rate, is 90% or more of the fair market value of the asset.

FASB and IASB want to treat all leases as capital leases and are formulating new rules for compliance to their proposed new reporting standards. While not yet in force, FASB issued an “Exposure Draft” On August 17, 2010 for comment by December 15, 2010. It is expected to issue a new “Exposure Draft” of the proposed regulation by early 2011 with implementation in late 2011 effective in 2012 or 2013.

Currently reporting under FAS 13 is a complex issue. The Boards are seeking to simplify financial reporting by re-categorizing all operating leases as capital leases. The

rules for reporting will affect both lessor and lessee. Their goal is to create a more realistic picture of the financial condition of a company by providing a more accurate assessment of a company's assets and liabilities.

Credit quality, timing of expenses, changes to EBIT-DA and continued compliance with existing covenants will be affected. Higher debt-to-equity ratios and lower interest coverage ratios will force credit ratings down a notch or two and will roil the credit waters for the foreseeable future. Not good, especially in the turbulent wake of the most recent credit and banking industry tsunamis. Lessors and lenders may find it very difficult to underwrite and approve transactions to the same client as their credit, after these accounting changes take effect, may decline significantly.

It is important to note that current operating leases will not be grandfathered into the new reporting scheme. Your operating leases will become capital leases virtually overnight and the previously unreported long term debt they reflect will land on your balance sheet just as quickly. The new rules will, when implemented, immediately impact all FASB/GAAP reporting companies with leases on or off their books.

Expect fewer leases with shorter lease terms, more uncertain valuation of assets, weakened balance sheet strength, and overall a more difficult credit environment. Although the changes may result in simpler and more accurate reporting they will create financial turmoil. On the upside, however, real financial transparency should enable investors to match revenue and expenses including all future commitments and enable them to make better investment decisions. Ultimately, it may be worth some of the pain. We'll see.

**MN**

*Richard J. Paine, Sr. is the President of Marine-Finance.Com, a maritime consulting firm specializing in the financing and leasing of commercial marine vessels and other equipment. He can be reached at [rpaine@marine-finance.com](mailto:rpaine@marine-finance.com) or 516-431-9285.*

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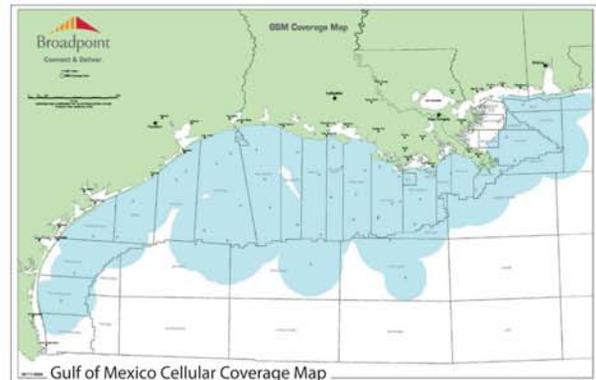
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**Builder**      **Eastern Shipbuilding Group**  
**Owner**        **New York City Fire Department**

Named in honor of the 343 members of the New York City Fire Department who made the supreme sacrifice in the line of duty on September 11, 2001, the city's newest fireboat, the Three Forty-Three, can reach fires quickly and pump huge quantities of water. For both propulsion and pumping capacity, this waterborne firefighting vessel relies on four MTU 12V4000 M70 Series diesel engines totaling 8,980 hp. The fireboat is also equipped with the MTU Callosum ship automation system, which controls the propulsion system and continuously monitors critical areas and functions of the ship. At 140 ft long and with a 36-ft beam, the vessel has a top speed of 18 knots and can pump up to 50,000 gpm. The need for such tremendous pumping capacity was made clear in the aftermath of 9/11, when FDNY fireboats supplied the only firefighting

water available for many days following the attack on the Twin Towers. The Three Forty-Three is the first of two such vessels to be commissioned by New York City. The second, named Fire Fighter II, is undergoing sea trials. The two new vessels replace the FDNY's longest-serving fireboats, both of which are more than 50 years old. Designed by Robert Allan Ltd. of Vancouver, B.C., and built by Eastern Shipbuilding Group of Panama City, Fla., the new fireboats can carry 27 firefighters along with a seven-person operating crew.

**Specifications:**

**Length, o.a.** .....140 ft  
**Beam, moulded** .....36 ft  
**Depth, moulded** .....16 ft  
**Max. draft, o.a.** .....9 ft

**Capacities:**

**Fuel** .....9,350 gal  
**Potable water** .....1,050 gal  
**Fi-Fi foam** .....3,300 gal  
**Fire pumps** .....10,000 gpm @ 200 psi



*Three Forty-Three*

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**Name** BRAtt  
**Type** Training Tug  
**Builder** Adrenalin Marine Ltd.

The 450 hp BRAtt project evolved from Ron Burchett's training programs for tug operators using radio-remote controlled scale models. With the help of designers Robert Allan Ltd., Burchette decided to build a model large enough for the operator and instructor to ride on and learn in the same space frame of reference as the boat. In operation there is room for at most three people on the boat, but ideally just two. In addition to its training functions, the BRAtt can serve effectively as a real tug, doing smaller towing, docking and line-handling duties, and other harbor tasks such as boom deployment. The boat is outfitted with a fully operational Braden hawser winch forward with the tow line passing through a polished stainless-steel staple. The propulsion system on the BRAtt is scaled to proportionately represent the full size tugs. It features a pair of Cummins QSB5.9-230 HD engines, each delivering 225 hp at 2,600 rpm into engine mount-

ed ZF280.1 gears with 1:1 ratios. To allow for further reduction below the engines' 600 rpm idle, the gears have slipping clutches. Flexible Centa torsional couplings are installed between the engines and their gears. Additional flexible couplings are at either end of the drive shafts to reduce vibration and to accommodate any movement in the flexibly mounted engines. The Z-drives are Olympic Model HD3 with 2:1 reduction. The propellers are 25.75-inch stainless in stainless nozzles. Both the engines and the Z-drives are mounted with a five-degree angle upward to the stern.

**Specifications:**

Length, o.a . . . . .	28 ft
Length, moulded . . . . .	25.7 ft
Beam, o.a. . . . .	16.3 ft
Beam, moulded . . . . .	14.2 ft
Depth, moulded . . . . .	6.2 ft
Load draft . . . . .	4.8 ft
Fuel oil . . . . .	.365 gal
Bollard pull (min.) . . . . .	8,000 lbs
Free running speed . . . . .	.8 knots
Main engines . . . . .	Cummins QSB5.9-230 HD, 168 kW at 2,600 rpm
Gearbox . . . . .	ZF 280-1 gear with 1:1 ratio
Z-Drives . . . . .	Olympic Drives model HD3

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**BRA#**



Photos courtesy Robert Allan Ltd.

**Other suppliers:**

- All-welded marine aluminum alloy supplied by Ryerson Canada Inc.
- 12 Volt DC Li-ion type house batteries supplied by Corvus Energy Ltd.
- Hawser winch supplied by P.S.I. Fluid Power Ltd.
- Towline; Quantum 12 supplied by Samson Rope
- Impact mitigating boat decking in wheel-house supplied by SKYDEX Technologies
- Hull and house coatings system supplied by International Paint
- Bonded windows with tempered safety glass and frameless glass weather-tight door supplied by Garibaldi Glass Industries, Inc.
- Shibata cylindrical fenders supplied by Schuyler Rubber Co.
- Electronic controlled hydraulic actuated steering supplied by Prime Mover Controls Ltd. with joystick type integrated steering/throttle controls
- Navigation and communications equipment supplied by Furuno and Radio Holland Canada



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**Name** MV Chetzemoka  
**Type** Auto/Passenger Ferry  
**Builder** Todd Pacific  
**Shipyards** Everett  
**Shipyards** Nichols Brothers Boat Builders  
**Operator** WSDOT Ferry Division

The 64-vehicle MV Chetzemoka is the first in the Kwa-di Tabil series of new ferries being built by Washington State. The vessel is named after the late Klallam Chief Chetzemoka who lived near the Port Townsend area and was known as a peaceful man and a wise diplomat. He was believed to be about 80 when he died in 1888. While the Chetzemoka is the first ferry to be added to Washington State's fleet in over a decade, two other sister vessels are under construction. The total cost of the Chetzemoka, including construction, contingency and construction

management, is \$76.5m. The new ferry is regularly scheduled to service the route between Port Townsend and the Coupeville (Keystone) terminal. The vessel was built by Todd Pacific Shipyards, Everett Shipyard, Nichols Brothers Boat Builders, with engineering provided by Jesse Engineering.

**Kwa-di Tabil Class Specifications:**

Length	273.7 ft
Beam	.64 ft
Draft	.11 ft
Speed	.16 knots
Power rating	3,000 hp
Max. passengers	750
Max. vehicles	64
Gross tonnage	4,623
Max commercial vehicles	.9
Auto deck clearance	.16 ft



Photos courtesy WSDOT

## All American's New Eco-Friendly Ferries

Photo courtesy All American Marine



All American Marine (AAM) recently completed and launched two new eco-friendly catamaran ferries in November 2010. The 72-ft custom designed sister ships will carry 149 passengers and feature indoor and outdoor seating on an East Coast commuter ferry route. The vessels were designed by Nic de Waal of Teknikraft Design and incorporate many green components. Green features include propulsion systems consisting of Caterpillar C18 ACERT engines fit with specialized CleanAIR Permit filters to reduce harmful emissions by up to 99%. Noise pollution is mitigated with acoustic foam insulation and critical grade mufflers. The cabin interiors are finished with recyclable aluminum honeycomb wall panels and recyclable aluminum ceiling panels with acoustic insulation. The completed vessels were coated with a low VOC paint system. Other amenities include ADA-friendly heads and Beurteaux seating.

### Specifications:

Length, o.a. ....	.72.3 ft
Length, w.l. ....	.68.5 ft
Beam, moulded ....	.25.8 ft
Passengers (seated, interior) .....	.56
Passengers (upper deck) .....	.26
Engines .....	.2x Caterpillar C16
Rating .....	.600 bhp @ 1,800 rpm
Service speed (laden)11 knots @ 55% MCR	
Fuel consumption .....	.approx. 30 gph
Propulsion .....	.Propeller

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**Name** MV Susitna  
**Type** Ro/Ro/Passenger Ferry  
**Builder** Alaska Ship & Drydock, Inc.  
**Owner** Matanuska/Susitna (Mat/Su) Borough

The MV Susitna is an Office of Naval Research (ONR) platform demonstrating variable geometry/variable draft capability in a twin hull marine vessel. This first of class vessel is designed to operate as a deep draft, high-speed vessel capable of carrying large payloads in high sea states with a stable ride, then transition to a shallow draft landing craft mode capable of delivering expeditionary forces to the beach. The Matanuska/Susitna (Mat/Su) Borough will own and operate Susitna as a roll-on/roll-off passenger (Ro/Ro/Pax) ferry and rescue boat. During the first five years of operation Mat/Su will collect real life operating and performance data for ONR. At the end of this demonstration period Mat/Su will continue to operate Susitna as a ferry relieving the Navy of maintenance and disposal costs during and after the demonstration period. MV Susitna is an ice strengthened, twin hulled marine vessel. Incorporating a small water plane area twin hull (SWATH) design, this high-speed craft is capable of 20 knots in open seas or five knots in two-ft thick, first year sea ice. Her twin steel hulls are joined fore and aft by steel cross members forming a rectangular donut hull form. A buoyant, aluminum center cargo deck is mounted on very



Photo courtesy Alaska Ship & Drydock, Inc.

large hydraulic cylinders that raise the cargo deck above the water in her high-speed mode or force the buoyant deck into the water in her landing craft mode providing a variable draft from 12 ft to 4.5 ft. Ice breaking is accomplished in the deep draft mode. The ferry will serve the three most populated areas of Alaska: Anchorage, Mat-Su and Kenai. The vessel is intended to accelerate economic growth at the deep-water port at Point MacKenzie. Alaska Ship & Drydock, Inc. (ASD) and ONR contracted to design and construct the platform in 2005 based on Lockheed Martin's patented Vari-Craft concept. NAVATEK provided the conceptual innovative design for the propulsion system. Guido Perla and Associates performed the detailed design applying the IMO high-speed craft code, ABS rules and USCG Regulations to Susitna's contract design.



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**Name** MV Bahamas Express  
**Builder** St Johns Ship Building  
**Type** Cargo Landing Craft  
**Owner** G&G Shipping

St Johns Ship Building Inc. delivered the MV Bahamas Express, a 190-ft specialized cargo landing craft vessel to G&G Shipping in the Caribbean. The vessel incorporates a design that facilitates roll on cargo and allows for fast response in relatively unimproved loading or discharge sites throughout the Caribbean. Newly added features include six plug-ins for refrigerated cargo and a 200 hp bow thruster. The MV Bahamas Express was built to ABS class and will operate just under the 500-ton threshold while still being capable of transporting 600 tons with an on-deck loading area of 6,400 sq ft.

## MV Bahamas Express



### Specifications:

Length . . . . . 190 ft  
 Breadth . . . . . 3.1 ft  
 Depth . . . . . 10 ft  
 Draft . . . . . 7 ft  
 Speed . . . . . 11 knots  
 Plate . . 0.5" shell and deck  
 Engines . . . . 2x CAT 3412  
 Gen sets . . . . John Deere  
 Fuel capacity . . 40,000 gal  
 Water capacity . 10,000 gal  
 Cargo capacity . . 600 tons

Photo: St. Johns Ship Building

### Miracle Marine Boat for the "Ax-Men"

Miracle Marine Inc. (M2), an all-welded aluminum boat manufacturer in Potosi, Mo., built the 28-ft fire, dive/rescue, salvage air chamber landing craft with V-8 jet power for Collins River Logging, a company featured on the History Channel's "Ax-Men" television program. The vessel is designed to be the largest shallow water platform with a 3,000 lb capacity and single engine jet power. The vessel features a center console hardtop with 144-inch by 84-inch self bailing deck and hydraulic front door and an optional fire system capable of 3,500 gpm.



Photo: Miracle Marine Inc.

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**Vessel Name** CBRNE FireStorm 70  
**Type** Fire/Rescue Boat  
**Builder** MetalCraft Marine  
**Owner** Jacksonville Fire Dept.

MetalCraft Marine of Kingston, Ontario & Clayton, N.Y. launched its first FireStorm 70 CBRNE fireboat for Jacksonville Fire Department. The \$4.8m dollar boat is the second NFPA 1925 (National Fire Protection Association) Class II vessel ever built. The first was a FireStorm 69 built for Tampa Fire/Rescue, Fla. In 2009. Class II vessels have complete redundancy for all ships systems as well as Stab-1 damaged stability (full flotation) and must pump over 10,000 gpm. The FS 70 exceeds in this area with a 14,092 gpm at 150 psi and 17,892 gpm at 120 psi, which could supply 12 to 17 fire trucks with shore line connections. The flow of water is so great it exceeds one ton of water per second. The boat hits top



Photo courtesy MetalCraft Marine Inc.

speeds of 41 knots with four CAT C-18s at 1,015 hp each. Ships electronics are Furuno 3-D system communications by Motorola ICOM & Piratecom. The wireless Piratecom can interface with up to six radios and cell phones and has wind and engine filters for audio ability.

**Name** Independence  
**Builder** Chesapeake Shipbuilding  
**Type** Cruise Ship  
**Owner** American Cruise Line



Photo courtesy Chesapeake Shipbuilding

The 223-ft Independence is the newest cruise ship completed by Chesapeake Shipbuilding. The Independence is five feet wider than other American Cruise Line ships and has active wing stabilizers and a stern thruster. The vessel's greater width allows for larger staterooms, wider corridors and features such as breakfast on the larger private balconies. The Independence carries 99 passengers on overnight cruises in the U.S. The cruise ship includes private balconies in every stateroom above the main deck, an easily accessible forward machinery and work space, an enclosed exercise area on the top deck and a putting green.

**Name** The Aquila, Draco & Orion  
**Builder** Kvichak Marine  
**Type** Pilot Boat  
**Owner** Dutch Pilotage Org.

The Dutch Pilotage Organization, Loodswezen, wanted to renew their fleet with more ecologically friendly craft. Loodswezen challenged Seattle-based Kvichak Marine Industries to incorporate the latest diesel emissions technology in a 72-ft, pilot-class boat that would still meet its operational requirements and exceed 28 knots. Loodswezen selected a vessel designed specifically for their operation by Camarc Design in the UK, the same company that designed their current pilot boats. Loodswezen then selected engines from Caterpillar and an emissions system from Hug Engineering in Switzerland. The Dutch pilot

boat's emissions system combines selective catalytic reduction (SCR) with a diesel particulate filter (DPF). After exhaust passes through the SCR, the DPF collects unburned soot and adds another catalyst, converting the carbon monoxide and hydrocarbons to carbon dioxide and water. This system took the relatively clean emissions of the Tier II compliant Caterpillar ACERT C32 engines, and reduced carbon monoxide by 73%, nitrogen oxide by 76%, hydrocarbons by 94% and particulate soot by 99%, far exceeding the standards of the EPA, EU and the IMO. Kvichak delivered three of these pilot boats in July 2010 to Loodswezen.

**Name** 370 Justice  
**Type** Boston Whaler  
**Builder** (BCGP)

In 2010, Brunswick Commercial and Government Products (BCGP) introduced the 37-ft Justice, the largest Boston Whaler model ever built. The 370 Justice features a center console design for unobstructed 360-degree access to all areas of the boat. Its fiberglass deep-V hull is designed to yield a smooth ride



Photo courtesy Jennifer Rose

despite rough seas. Reverse chines serve to deflect spray for drier rides while also providing quicker recovery between waves and additional lateral stability. Like all BCGP Boston Whaler models, the 370 Justice features unsinkable Unibond construction and fortified laminate schedules for commercial and military applications. The standard integrated windshield and hardtop system is designed to withstand harsh conditions, while affording superior visibility and weather protection for the captain and crew. The face of the console can accommodate dual 14-inch screens and additional electronics necessary for surveillance and other special operations. The console interior fea-

## 370 Justice



Photo courtesy BCGP

tures a head, sleeping berth, sink and microwave with standard generator and cabin air conditioning. A 34-inch dive door facilitates water rescues, diving operations or boarding access. A bow thruster is standard and the vessel can be equipped with up to 900 hp.

### Specifications:

Length, o.a. ....	37.5 ft
Beam .....	11.5 ft
Draft .....	1.9 ft
Weight .....	13,500 lbs
Max. weight .....	8,600 lbs
Swamped capacity .....	5,200 lbs
Person capacity .....	14
Max. horsepower .....	900 hp
Min. horsepower .....	750 hp
Max. engine weight .....	2,100 lbs
Transom height .....	2.5 ft
Fuel capacity .....	450 gal

**Name** 234 Class  
**Builder** Bollinger Shipyards  
**Type** Platform Supply Vessel

The Bollinger 234 Class Platform Supply Vessel is the first in a new sister-ship series of 4,000 bhp, DP-2 platform supply vessels to come out of the Lockport La. boat builder. With a clear deck area of 8,225 sq ft, liquid mud capacity of 9,000 barrels and a cargo carrying capability of 3,000 long tons, the vessels are being used in the oil and gas industry for deepwater support and multi-purpose support operations in the U.S. Gulf of Mexico and international markets.



### Specifications:

Length, o.a. ....	234 ft	BHP .....	2,000	DGPS .....	Leica MX 525
Length, b.p. ....	221.3 ft	Reduction .....	Twin Disc	GYRO ....	Yokogawa CM29008
Beam .....	56 ft	Propellers.....	NIBRAL	Max. speed.....	11.5 knots
Depth .....	18 ft	Rudders.....	Becker	Cruising speed.....	10 knots
Light draft .....	5.5 ft	Generator drives.....	Cummins	Economical speed.....	8 knots
Loaded draft.....	14.9 ft	Bow thruster.....	Schottel	Cabins .....	8
Summer freeboard.....	3.1 ft	DPS.....	Beier Radio	Berths .....	22
Main engines .....	Cummins	Depth recorder.....	Furuno	Offshore workers .....	16
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Photo courtesy North River Boats,

**Name** Hybrid RAIV  
**Builder** North River Boats, Inc.  
**Type** Patrol Boat  
**Owner** U.S. Navy

North River Boats, Inc. of Roseburg, Ore. constructed for the U.S. Navy a 35-ft Hybrid RAIV to be used as an Antiterrorism/Force Protection (AT/FP) Patrol Boat. The boat is powered by twin Cummins QSB 5.9L, 425 hp diesel engines with ZF 280-1 transmissions and Hamilton 292 Jets. Maximum speed is 42 knots at lightship and 39.4 knots under full load condition. The cruising speed is 30 knots under full load. A fuel capacity of 200 gallons gives the boat a range of 300 nautical miles. The craft will typically be manned by a crew of five.

**Name** Hercules Class  
**Builder** Northwind Marine  
**Type** Patrol/Rescue Boat

Northwind Marine completed the first Hercules Class 40 patrol boat designed for search and rescue operations in coastal waters. It requires a crew of two and will accommodate up to a crew of five. The vessel is powered by twin Volvo D9-500 Diesel Motors coupled to Hamilton HJ292 Jets and will cruise at 26 knots for



Photo courtesy Northwind Marine

225 nautical miles. The vessel's cabin features sound deadening material keeping the decibel range in the low 70s while running full power. Shock mitigating seating and flooring reduce crew fatigue for longer range patrols.

The Hercules Class 40 was designed by Ivan Erdevicki and the plans were approved through Lloyds of London.

**Type** Hover Barge  
**Builder** Hovertrans Solutions

Hovertrans Solutions Pte. Ltd. has developed a new modular range of hoverbarges ranging from 50 tons to 400 tons.

Hovertrans Solutions designs and manufactures hoverbarges for heavy lift in difficult terrain in the global oil and gas and the specialist transportation industries. The amphibious hoverbarge is capable of carrying thou-



Photo courtesy VT Heiter Marine

sands of tonnes in payload over swamps, tundra, ice and shallow water. A significant advantage of the hoverbarge is that it only exerts one psi ground pressure while on hover, thus minimizing any environmental footprint.

The modular hoverbarge is constructed from specially designed pontoons with a modular skirt and lift fan system. It can be trucked to the location and assembled on-site, enabling access to inland areas such as lakes, rivers and wetlands.

**Name** Moose M2-35  
**Type** Police & Fire Boat  
**Builder** Moose Boats

The Moose M2-35 emergency response model is designed as a multifunction craft and can be readily outfitted with many systems, which makes it suitable as a police and firefighting tool. Its twin 300 hp outboard propulsion enables quick response times. A large, below-deck fire pump delivers 1,400 gpm at 150 psi to an RF controlled electric roof-mounted monitor. Additionally, the vessel is fitted with two 2.5-inch connections for hand lines and a five-inch Storz connection to provide a significant supply of water to a shore pumper or hydrant. The vessel has a fully air-conditioned and heated cabin, enabling superior EMS care and it is fully equipped for day and night searches, rescue, surveillance and law enforcement operations.



Photo courtesy Moose Boats

**Specifications:**

- Length, o.a.** .....34.7 ft
- Beam** .....13.5 ft
- Max. draft** .....3.3 ft
- Dead rise** .....15 degrees
- Displacement** .....16,200 lbs (dry)
- Fuel capacity** .....250 gal
- Propulsion** .....2x 300 hp Evinrude
- Generator** .....Westerbeke 5.0 BCGD
- Fire pump engine** ...5.0 ltr Mercruiser MPI
- Fire pump** .....HALE 60FB
- Monitor** .....Elkhart Brass Scorpion RF
- Electronics** .Furuno, Icom, Simrad, Motorola
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EM1068 Official # 534891 - 1021 net/Gross Tons - Built 1928 in Oakland CA. LOA 258.5' - Beam 38' - Depth 12'. Flat Deck Barge, riveted steel construction, raked bow and stern. 6" asphalt wear deck with 3' steel fenced sides running port and starboard. Barge is also outfitted with 2 Clyde two drum waterfall winches. **\$300,000.00.**

EM1163 - 125' x 34' x 9' Flat Deck Barge s/n 1065170 c/w 12 hatches, 4 bits, 6 kevels, 25 degree raked bow/stern, stern w/skaggs. **\$125,000.00.**

## PEOPLE & COMPANY NEWS



Gregg, Jr.



Bowles



Lewis-Manning



Shaw



Wade



Ayala

### Jo-Kell Loses Long Time Colleague & Friend

Jo-Kell Inc., an electrical distribution and engineering company based in Chesapeake, Va., announced the loss of Walter E. (Ned) Gregg Jr., on September 6, 2010. Gregg, who was 92, was born in Baltimore, Md. and graduated from Baltimore Polytechnic Institute in 1936. He graduated from Cornell University in 1939 with a degree in Electrical Engineering. He began his career at Universal Wiring in Providence, R.I. and went on to start his own consulting business, Gregg & Associates which was later sold to Eaton Corporation. Gregg had worked for Jo-Kell Inc. since 1978.

### Bowles Leads St. Lawrence Seaway Management Corp.

Terence F. Bowles was appointed as President and CEO of the St. Lawrence Seaway Management Corporation (SLSMC) on November 1. Bowles was President and CEO of the Iron Ore Company of Canada from 2001 to 2010. Bowles is a chemical engineer with an MBA from McGill University. He replaces Richard Corfe who is retiring after nearly 28 years with the organization.

### Lewis-Manning VP for Canadian Shipowners Association

Robert Lewis-Manning has been appointed as Vice-President Operations for the Canadian

Shipowners Association (CSA), effective November 30. Lewis-Manning holds a master's degree in Business Administration from Royal Roads, a Bachelor of Arts from Dalhousie, as well as a Command Certification (Masters) from the Naval Operations School in Halifax. He comes to the CSA after a 24-year career in the Canadian Navy.

### Hornblower Names Shaw COO

Hornblower Cruises & Events has appointed Bob Shaw to the position of chief operating officer. Shaw is a LEED-accredited professional who most recently served as president for the mechanical contracting company R.M. Thornton, Inc. Shaw earned a MBA from Harvard University and completed his undergraduate engineering degree at Cornell University.

### Training Ship Master Wade to Retire from MMA

Captain Laurence "Larry" Wade, master of Maine Maritime Academy's training ship, is to retire in 2011. Since Wade's appointment as the training ship's top officer in 1996, he has logged more than 15 training cruises. A 1964 graduate of Maine Maritime Academy, Wade sailed as a professional merchant mariner for more than 30 years, earning an unlimited master's license in 1970. He later formed Wade Marine Services, Inc., a maritime consulting company that provided services to the

shipping industry and to the Maritime Administration (MARAD).

### Crowley Names Ayala General Manager, Puerto Rico Ops

Crowley Maritime Corporation promoted Jose "Pache" Ayala to general manager of operations for the company's liner services group in Puerto Rico. In October 2009, Ayala was promoted to director of labor relations. Prior to that he served as president of the Teamsters for five years in San Juan and two years as vice president. Ayala also spent 12 years with Crowley in barge operations.

### Fifty-Nine Foss Vessels Honored for Environmental Excellence

For 18 years, the Drew Foss, a tugboat operated by the Foss Maritime Company, has been free of environmental mishap. So have the Arthur Foss, the Justine Foss and a dozen other Foss vessels. In fact, 59 vessels owned by the Seattle-based Foss were recognized by a major maritime organization for their environmental safety records. Altogether, the Foss vessels feted by CSA have gone a combined 551 years without an environmental incident. Foss was honored by the CSA at a dinner ceremony in Washington, D.C., with the awards presented by Maritime Administrator, David T. Matsuda and Rear Admiral Brian Salerno, Deputy Commandant for Operations, U.S.

Jan. 4 - May 10, 2011  
[www.maritimephotographs.com](http://www.maritimephotographs.com)

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The best entries from each category will be published in the June 2011 edition of Maritime Reporter and Engineering News. All photos will be hosted online, where voters will choose one overall Grand Prize winner. Votes must be entered by May 10 to be counted.

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## PEOPLE & COMPANY NEWS

Coast Guard and Michael Bohlman, Chairman of CSA. Capt. Jonathan Wood, skipper of the Volans, accepted awards on behalf of Foss.

### Great Lakes Shipyard Builds Barges for Corps of Engineers

Great Lakes Shipyard of Cleveland, Ohio completed construction and delivery of two new barges for the U.S. Army Corps of Engineers. The barges will be used to perform critical maintenance and inspections of lock and dam facilities on the upper Mississippi River. One of the barges will service Lock and Dam 16 in Illinois City, Ill. while the other will service Lock and Dam 18 in Gladstone, Ill. Great Lakes Shipyard, a division of The Great Lakes Towing Company, operates a full-service shipyard and drydock in Cleveland and specializes in all types of marine construction and repairs. The company is currently expanding its capabilities for new vessel construction, repairs and for aluminum and steel fabrication. The company recently placed an order for a new 700-ton mobile boat hoist. This will be the largest of its type on the Great Lakes, including both U.S. and Canada, and the second largest in North America.

### KKMI Christens the Marine Travelift Haully Green Giant

San Francisco Bay-based KKMI has purchased a Marine Travelift 50 BFMII mobile boat hoist for its new Sausalito boatyard facility, sister to the original KKMI location in Point Richmond. The new facility is designed to preserve the integrity of Sausalito's working waterfront; to showcase KKMI's best management practices, especially in the arena of environmental compliance; and to offer top-quality professional services

to local boaters. According to CEO Paul Kaplan, every aspect of the operation needed to be compatible with these goals, and that included the new Marine Travelift mobile boat hoist. KKMI worked closely with Marine Travelift's engineers as they developed the new hoist, which incorporates recycled aircraft tires. Its hydraulics run on mineral-based biodegradable oil and the machine's Cummins Tier III diesel engine uses biodegradable fuel.

### Dann Marine Towing Upgrades Power

Dann Marine Towing, with a fleet of 17 tugs, operates out of its homeport of Chesapeake City, Md. and tows along the Atlantic and Gulf coasts as well as to South and Central America. Dann Marine has recently put their 100-ft by 32-ft tug Gulf Coast back into service following a major refit that included swapping out a pair of 1,200 hp



engines for a pair of 1,600 hp Cummins QSK50 engines. The repower involved modifications to the engine foundations and cooling system all of which was carried out at the Lyon Shipyard in Norfolk, Va. The ABS load-lined model bow tug is fitted with an Intercon DD200 towing winch loaded with 2,000 ft of two-inch cable and 305 ft of 1.5-inch wire. It carries tanks for 81,385 gallons of fuel and 5,268 gallons of potable water.

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fax: 440-937-5046  
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Descr: Cargo tank lining manufacturer  
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www.biocoatings.org  
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Descr: Specialist applicator of protective coatings and linings  
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Descr: Calico Coatings is customizing coating solutions that reduce friction and wear, save fuel and increase performance for their clients  
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email: techsale@defelsko.com  
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Descr: Distributor of corrosion control products

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## Elzly Technology Corporation

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tel: 609-545-8751  
email: pault@elzly.com  
Descr: Corrosion and coatings consultants  
Products: Consulting engineering services, inspections, surveys

## Hempel USA Inc.

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Descr: Hempel USA Inc manufactures and commercializes marine and industrial coatings  
Products: Silicone, antifouling, ballast tanks, cargo holds, cargo tanks, epoxies, shop primers and more

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Descr: Distributor for International Paint Co.  
Products: Marine coatings

## International Paint LLC

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Canada  
www.ngfcanada.com  
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email: mail@ngfcanada.com  
Descr: Manufacture/distribution of glass flake additive  
Products: Microglas glass flake as paint/coating additives for enhanced corrosion protection

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35 Corporate Drive, Suite 1200  
Trumbull, CT 06611  
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email: mwallach@pelassociates.com  
Descr: New product development  
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www.platypusmarine.com  
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Descr: Full service shipyard  
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Descr: Siloxane foul release coatings  
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17907 Arenth Ave.  
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http://protective.sherwin-williams.com/coatings  
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Descr: Corrosion control, blasting, painting, general services  
Products: Abrasive blasting, water-jetting, protective coatings, general maintenance painting

## Thermal Spray Solutions

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www.thermalsprayusa.com  
Chris Nicholas  
tel: 757-673-2468  
email: chris@thermalsprayusa.com  
Descr: Thermal Spray Solutions, Inc. is a full-service thermal spray facility featuring rotating equipment repair, corrosion control and HVOF coatings as hard chrome replacement on hydraulic cylinder rods

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www.fujihuntsmartsurfaces.com  
Jim Bambrick  
tel: 210-819-5274  
email: jebambrick@optonline.net  
Descr: FUJIFILM Hunt Smart Surfaces, LLC  
Products: Duplex foulant release silicone hull coating system

## Wilson Walton International

3349 Route 138, Bldg. B, Suite B  
Wall, NJ 07719  
www.wilsonwalton.com  
Patrick Robinson  
tel: 732-681-0707  
email: patrick@wilsonwalton.com  
Descr: Marine corrosion control specialists  
Products: Sacrificial anodes, impressed current cathodic protection (ICCP), marine growth prevention systems (MGPS)

## Xiom corp.

78 Lamar St.  
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www.xiom-corp.com  
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## PRODUCTS

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[www.rustibus.com](http://www.rustibus.com)

### Dometic Launches In-Duct Breathe Easy Air Purifier

Dometic Marine launched the new In-Duct Breathe Easy Air Purifier to the U.S. workboat market. The system was awarded the IBEX Innovation Award in the Mechanical Systems category. The In-Duct Breathe Easy Air Purifier is specifically designed to work within the ducting of a vessel's air conditioning system. Operating silently, it purifies and cleanses air using Photocatalytic Nano-Mesh Technology with UV light. Each time the air circulates it is further purified. [www.dometic.com](http://www.dometic.com)

### Parker TFD Fittings Are Red Rust Resistance

CommunicationsSuperior plating gives fittings from Parker Hannifin Corporation's Tube Fittings Division (TFD) unmatched protection against red rust. Parker TFD fittings withstand the harshest operating environments, particularly those that promote the rapid onset of red rust. Red rust is the formation of iron oxide, signaling deterioration of the fitting base metal. In a recent salt spray test conducted by Miami Valley Materials Testing Center, an accredited independent test center, Parker TFD

fittings remained free of red rust after 480 hours of exposure.

[www.ravagesofredrust.com](http://www.ravagesofredrust.com)

### ComCor Tech Now Offers Hull Prep & Coating

ComCor Tech was formed in 1987 to offer services and products involved with corrosion and combustion technology. Today ComCor Tech has grown to provide tank cleaning, surface preparation and coating services to the commercial marine and cruise ship industries. ComCor Tech has created procedures for cleaning and gas freeing areas that are cost effective to vessel owners.

[www.comcortech.com](http://www.comcortech.com)

### Fischer Handheld Coating Thickness Gauges

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[www.fischer-technology.com](http://www.fischer-technology.com)

### Sherwin-Williams Significant Supplier of U.S. Navy

U.S. Navy Rear Admiral Wendi B. Carpenter, Commander, Navy Warfare Development Command, Norfolk, Va., was the recent guest of Sherwin-Williams during Cleveland Navy Week. Carpenter met with Sherwin-Williams Chairman and CEO, Chris Connor, and senior management of the company's Protective & Marine Coatings business. Sherwin-Williams is the principal supplier in the current dry-docking and maintenance cycle of the USS Theodore Roosevelt, providing the coatings for the underwater hull, freeboard, topside and tanks at Northrop Grumman Newport News Shipbuilding.

<http://protective.sherwin-williams.com>

### Rustibus



### Dometic



### Parker



### Sherwin-Williams



# BY THE NUMBERS

## Offshore Rig Fleet by Region

Region	%	No.
Africa – West	88.5%	(46/52)
Asia – SouthEast	76.4%	(68/89)
Europe - North Sea	83.6%	(61/73)
Mediterranean	71.4%	(15/21)
MidEast - Persian Gulf	74.5%	(73/98)
N. America – Mexico	68.8%	(22/32)
N. America - US GOM	68.4%	(54/79)
S. America – Brazil	91.8%	(56/61)

Source: Rigzone

## Offshore Rig Utilization by Type

Type	%	No.
Drill Barge	80.0%	(8/10)
Drillship	77.8%	(42/54)
Jackup	73.9%	(269/364)
Semisub	86.3%	(145/168)
Tender	82.8%	(25/29)

Source: Rigzone

## Offshore Rig Day Rates

### Floating Rigs

Rig Type	Rigs Working	Total Rig Fleet	Average Day Rate
Drillship < 4000' WD	6 rigs	8 rigs	\$257,120.00
Drillship 4000'+ WD	35 rigs	48 rigs	\$422,089.65
Semisub < 1500' WD	11 rigs	18 rigs	\$293,992.86
Semisub 1500'+ WD	62 rigs	86 rigs	\$316,463.40
Semisub 4000'+ WD	77 rigs	91 rigs	\$403,129.75

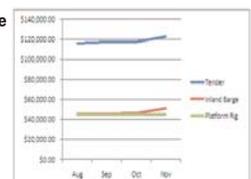
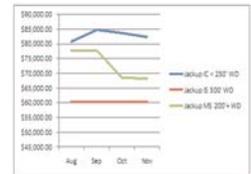
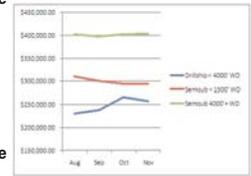
### Jackup Rigs

Rig Type	Rigs Working	Total Rig Fleet	Average Day Rate
Jackup IC < 250' WD	32 rigs	52 rigs	\$82,450.00
Jackup IC 250' WD	40 rigs	65 rigs	\$95,251.56
Jackup IC 300' WD	88 rigs	125 rigs	\$104,296.67
Jackup IC 300'+ WD	110 rigs	144 rigs	\$139,466.00
Jackup IS < 250' WD	5 rigs	7 rigs	—
Jackup IS 250' WD	8 rigs	10 rigs	\$137,000.00
Jackup IS 300' WD	2 rigs	5 rigs	\$60,300.00
Jackup IS 300'+ WD	0 rigs	3 rigs	—
Jackup MC < 200' WD	2 rigs	16 rigs	\$33,000.00
Jackup MC 200'+ WD	9 rigs	28 rigs	\$52,333.33
Jackup MS < 200' WD	2 rigs	2 rigs	—
Jackup MS 200'+ WD	6 rigs	19 rigs	\$68,250.00

### Other Offshore Rigs

Rig Type	Rigs Working	Total Rig Fleet	Average Day Rate
Drill Barge < 150' WD	18 rigs	39 rigs	—
Drill Barge 150'+ WD	5 rigs	9 rigs	—
Inland Barge	39 rigs	74 rigs	\$51,157.14
Platform Rig	142 rigs	250 rigs	\$44,996.43
Submersible	0 rigs	6 rigs	—
Tender	23 rigs	32 rigs	\$122,806.67

Source: Rigzone



Source: Charts courtesy of Waterborne Commerce Statistics Center, New Orleans, La. (<http://www.iwr.usace.army.mil/ndc/wcsc/wcsc.htm>)

## TSA Surcharge

### West Coast

Date	\$/MT	ch/\$	ch/%
Nov 15	489.00	-11.50	-2.3
Nov 8	500.50	+23.00	+4.8
Nov 1	477.50	+1.00	+0.2
Oct 25	476.50	+10.00	+2.1
Oct 18	466.50	-8.50	-1.8
Oct 11	475.00	+6.00	+1.3
Oct 4	469.00	+20.00	+4.5
Sep 27	449.00	+20.00	+4.5
Sep 20	452.50	-1.50	-0.3
Sep 13	454.00	-2.00	-0.4
Sep 6	456.00	+12.50	+2.8
Aug 30	443.50	+1.00	+0.2

### East Coast

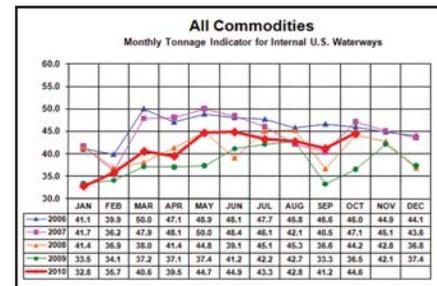
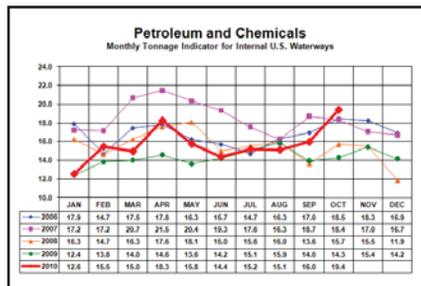
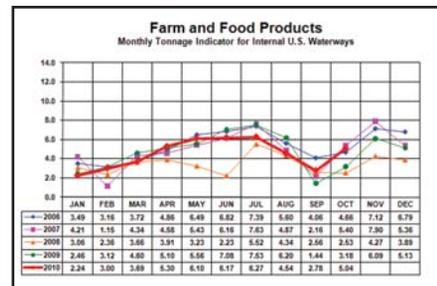
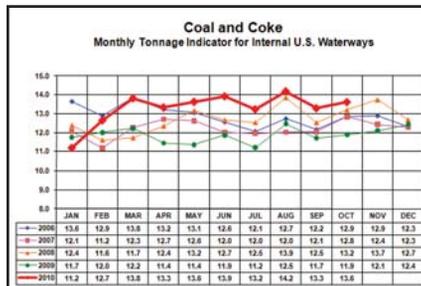
Date	\$/MT	ch/\$	ch/%
Nov 15	497.00	-2.00	-0.4
Nov 8	499.00	+21.00	+4.4
Nov 1	478.00	+1.00	+0.2
Oct 25	477.00	+5.50	+1.2
Oct 18	471.50	-11.00	-2.3
Oct 11	482.50	+8.50	+1.8
Oct 4	474.00	+19.00	+4.2
Sep 27	455.00	-4.00	-0.9
Sep 20	459.00	-1.00	-0.2
Sep 13	460.00	+1.50	+0.3
Sep 6	458.50	+4.00	+0.9
Aug 30	454.50	+6.00	+1.3

Source: Bunkerworld.com  
<http://www.bunkerworld.com/markets/surcharges/tsa#>

## Indicative World Steel Prices

Indicative prices		Change
SBB HRC world price \$/t	661.89	-18
SBB Rebar world price \$/t	632.558	+1
SBB World Price Tracker	231.744	-3

Source: Steel Business Briefing  
<http://www.steelbb.com/steelprices/>



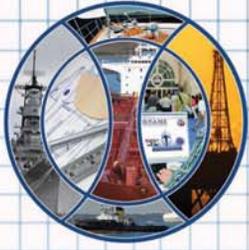
## Bunker Fuel

Port	IFO 380	IFO 180	MDO	Del. Date
Corpus Christi	485.00	510.00	765.00	D 2010-11-18
Houston	456.00	478.00	—	W 2010-11-17

Source: BunkerIndex.com - <http://www.bunkerworld.com/markets/prices>

Port	IFO380	IFO180	MGO	MDO	Barge	Updated
New York	472.50	498.50	—	739.00	\$7.50	Nov 17
Houston	460.00	481.50	—	742.50	\$7.00	Nov 18
Los Angeles	490.00	510.50	Pending	Pending	\$5.80	Nov 18

Source: Bunkerworld.com - <http://www.bunkerworld.com/markets/surcharges/tsa#>



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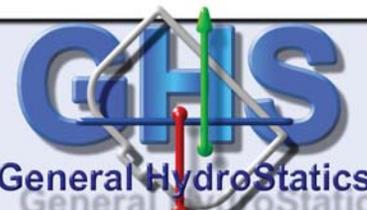
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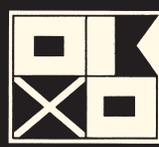
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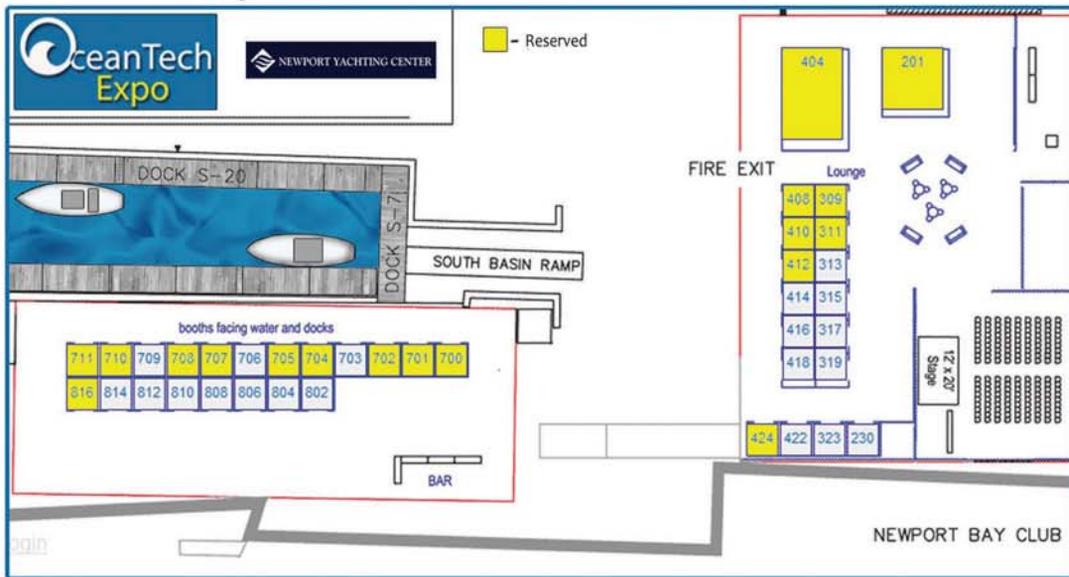
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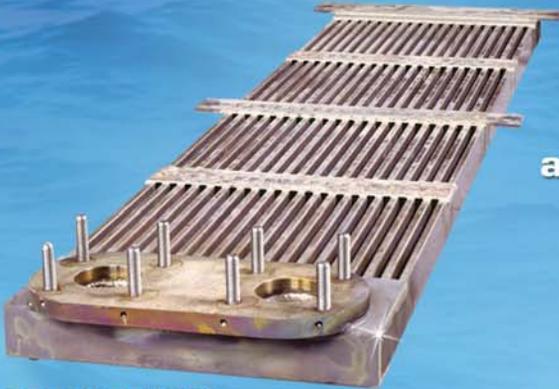
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