



**Marine Surveyors, Engineers, Consultants**

## **Enewsletter Summer 2011 Vol 21 No 2**

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### **From the Bridge:**

by: Gregory T. Davis, Pres.

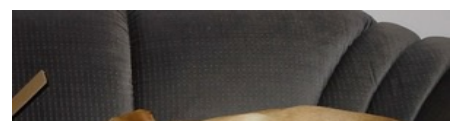
The spring 2011 storms kept our surveyors busy in Alabama, Oklahoma, Tennessee, Kentucky, Missouri, the Carolinas and other areas of the country. Unlike hurricane duty where most of the damage occurs within a localized area, tornados and wind damage from the spring storms was 'everywhere' and so were (are) our surveyors. Thanks to each and everyone for a job well done!

In this issue we are featuring two new additions to the Davis Consulting Group, our engineering division. The first is Paul Kamen, PE out of northern California. The second is Richard (Dick) Blackman, recently retired from the USCG Office of Boating Safety.

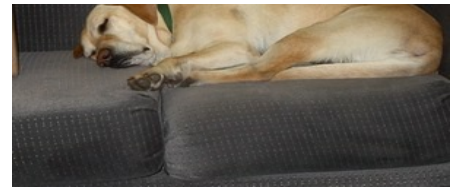
Davis & Company, Ltd. welcomes Chris Shell to our Lisle, IL marine survey office. Chris has extensive marine experience having been a service manager, marine mechanic instructor for a school in Florida, etc.

The EPA has moved forward with E-15 exempting boats via a label (see the article in this issue). Expect to be seeing engine losses in the future that will be related to E-15.

Duke, my yellow Lab, featured in several newsletters in the past and my constant



companion on and off the job passed on to doggie heaven recently at 14 years. He had a good life, fondly remembered here in HQ by staff, the FEDEX man and others that brought him treats. He never failed to welcome everyone with a wagging tail or by propping your arm with his nose looking to be petted or for a treat. RIP



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## **EPA Finalizes Regulations to Mitigate the Potential for Misfueling of Vehicles, Engines and Equipment with E15**

EPA News Release, June 27, 2011

EPA is issuing a final rule to mitigate the potential for misfueling of vehicles, engines and equipment not covered by the Agency's partial waivers for gasoline containing greater than 10 volume percent (vol%) ethanol (E10) and up to 15 vol% ethanol (E15). The regulations are expected to further reduce the potential for misfueling and emission increases that could result from misfueling. EPA is also modifying the Reformulated Gasoline (RFG) program to allow fuel manufacturers to certify batches of E15 fuel.

**E15 Partial Waivers** In March 2009, the U.S. Environmental Protection Agency (EPA) received an application under section 211(f)(4) of the Clean Air Act (CAA) for a waiver for gasoline-ethanol blends of up to 15 vol% ethanol. In response, EPA granted two partial waivers, issued in October 2010 and January 2011, that allow, but do not require, E15 to be introduced into commerce for use in model year (MY) 2001 and newer light-duty motor vehicles, subject to certain conditions. Light-duty vehicles include cars, pick-up trucks, and other passenger vehicles such as minivans and all but the largest SUVs.

EPA also placed conditions on the waivers to ensure fuel quality and mitigate the potential misfueling of vehicles, engines, and equipment not covered by the E15 waiver decisions.

Under the Clean Air Act, a new fuel or fuel additive must be registered with EPA before it can be introduced into commerce. As of the date of signature of the final rule, E15 had not been registered.

### **Key Actions**

#### **EPA is finalizing the following misfueling mitigation measures:**

A prohibition on the use of gasoline containing more than 10 vol% ethanol in vehicles, engines and equipment not covered by the partial waiver decisions (i.e., MY2000 and older light-duty motor vehicles, and all heavy-duty gasoline vehicles and engines, motorcycles and gasoline-powered equipment such as lawn and garden equipment and boats).

The use of the following label for fuel pumps that dispense E15 to alert consumers to the appropriate and lawful use of the fuel:

E15

Gasoline Fuels

Boutique Fuels

Renewable Fuels

Alternative Fuels

Diesel Fuels

Emergency Fuel

Waivers

Registration and

Health Effects

Testing

Reporting Forms

Frequently Asked

Questions

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## Ohrid court finds ship captain, technical expert guilty of Ilinden sinking

05 July 2011 | 11:40 | FOCUS News Agency

Home / Southeast Europe and Balkans

**Ohrid.** A panel of three judges in the court of the Macedonian resort town of Ohrid has found the two defendants in Ilinden sinking trial guilty, **Bulgarian National Radio** reported.

Ship captain Sotir Filevski and Branko Baic, an inspector with Germany's Lloyd's, were each sentenced to a year in prison.

Judge Milka Taneska passed the sentences in the absence of captain Filevski's defense.

The captain will have the months spent in the preliminary detention unit and under house arrest deducted from his sentence. Thus he will stay in prison for a bit more than eight months. Branko Baic was sentenced in his absence.

According to the charges pressed and laws in force in Macedonia, the two defendants received minimum sentences. The laws provides for a maximum of five years' imprisonment.

Judge Milka Taneska presented the reasons for the panel's unanimous sentence orally in details. The motives are expected in written at the end of the month. After that the parties in the trial



will be able to say whether they will lodge an appeal or not with the Court of Appeal in Bitola.

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*Ed Note: The inspector is a marine surveyor with German Lloyd's, a classification society. A vessel is 'in-class' when it subscribes (pays a fee), its construction and in in-service status is monitored by the society. It is rare that a class surveyor or society would be held criminally negligent.*

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## **Norcold, Inc. Product Recalls – Call 1-800-767-9101**

The Norcold, Inc. refrigerators listed below have been recalled. It is important to implement this safety enhancement to prevent an unsafe elevation in the temperature of the cooling unit should the unit fail in operation. This enhancement seeks to minimize the risk of injury or death due to fire.

Norcold Inc. has decided to recall certain 1200, 1201, 1210 and 1211 model gas/electric refrigerators with serial numbers from 315525 to 13088811, non consecutively. The refrigerator's model and serial number are located inside the fresh food compartment. These refrigerators may have cooling units with a cooling unit serial number between 700000 to 13085759. This is a new recall campaign to include all 1200, 1201, 1210 and 1211 models.

Even if your refrigerator was repaired as part of a previous recall, it is necessary to have it repaired again to minimize the risk of injury or death due to fire.

If you have one of these refrigerator models, use the following procedure:

1. Identify and write down the refrigerator model. If it is a Norcold 1200, 1201, 1210 and 1211 model, go to step 2.
2. Identify and write down the refrigerator serial number. If the serial number falls in the range of 315525 and 13088811, go to step 3.
3. Identify and write down the cooling unit serial number. If the serial number falls in the range of 700000 and 13085759, go to step 4.
4. Call your dealer immediately.

The installation of the High Temperature Sensor will be at no cost to you. Owners of recalled refrigerators should NOT operate their refrigerator until it can be professionally repaired by your dealer or a Norcold authorized service center.

If you have one of the recalled refrigerators and you:

Currently reside in the RV, you should immediately:

1. Set the refrigerator controls to "OFF".
2. Unplug the refrigerator through the service vent on the

outside of the vehicle.

3. Contact your dealer, a Norcold authorized service center or Norcold's Recall Center at 1-800-767-9101 as soon as possible to get assistance.

Do not currently reside in the RV, you should immediately:

1. Set the refrigerator controls to "OFF"
2. Unplug the refrigerator through the service vent on the outside of the vehicle.
3. Disconnect from shore power.
4. Contact your dealer, a Norcold authorized service center or Norcold's Recall Center at 1-800-767-9101 as soon as possible to get assistance.

Failure to follow these instructions can result in a fire causing injury or death.

Norcold, Inc. cannot accept responsibility if you do not immediately arrange to take your refrigerator into a Dealer/Service Center for repair. Moreover, you could be personally liable to third parties for property damage or bodily injuries resulting from your failure to have your refrigerator immediately repaired.

If you have any questions, please contact us at 1-800-767-9101 , Monday through Friday, 9 a.m. to 10 p.m. Eastern Standard Time. Norcold Recall [http://www.norcoldrecall.com/\[3/16/2011](http://www.norcoldrecall.com/[3/16/2011)

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*Ed Note: We have investigated several fires where the refrigerator was the cause.*

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## ***Six Charged in Insurance Scam Over Fatal Boat Sinking***

Bloomberg News Service, Feb 18, 2011

Six men were charged with conspiring to sell fake insurance policies to operators of the Ethan Allen, a tour boat that sank on New York's Lake George in 2005, killing 20 elderly tourists.

The alleged conspiracy, which included participants in Texas, Arizona, Canada and the Caribbean, also sold fraudulent liability coverage to nursing homes, assisted living centers, and other residential complexes and hospitality businesses, according to a revised indictment unsealed today in federal court in Houston.

The men "backdated documents after the Ethan Allen accident to make it appear that Shoreline Cruises had not purchased coverage while the vessel was operating on Lake George when, in fact, Shoreline had purchased exactly that type of insurance policy," U.S. Attorney Jose Angel Moreno in Houston said in a statement.

The defendants allegedly falsified financial records sent to Shoreline and

buyers of other insurance policies “to create the false appearance that its insurers had financial strength,” Moreno said in the statement.

None of the insurers involved in the Ethan Allen’s insurance policy had the financial ability to pay the claims, according to the indictment. The cruise line later pleaded guilty to a misdemeanor for not having enough crew members on board when its boat capsized and sank Oct. 2, 2005, during a fall-foliage excursion, according to the indictment.

Six Defendants Charged in the alleged scheme are: Christopher Purser, 49, of Houston; Malchus Irvin Boncamper, 56, of St. Kitts and Nevis in the West Indies; Marc-Thibaud Duchesne, 49, a British citizen formerly residing in Houston; William Ballachey, 64, of Brossard, Canada; Edmund Hugh Benton, 52, of Scottsdale, Arizona; and Robert Steve Mills, 55, formerly of Dallas and Ft. Myers, Florida.

Joseph Gibson Jr., Boncamper’s lawyer, declined to comment today, saying only that his client was in custody and en route to Houston after being arrested at the Miami airport on Jan. 14. Angela Dodge, Moreno’s spokeswoman, said Purser wasn’t able to enter a plea at his arraignment before a magistrate in Houston federal court today as he hasn’t yet obtained a lawyer. He will remain in custody until he can make another court appearance on Feb. 22

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*Ed Note: Davis Consulting Group was engaged by the Attorney for Shoreline Cruises on the accident reconstruction.*

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## **New Consultants:**

Davis Consulting Group (DCG) welcomes two new consulting engineers, bringing our consulting staff of maritime experts to twelve (12). Brief background information on each of our consultants and the services offered is available on our website, [www.daviscoltd.com](http://www.daviscoltd.com), click on the "engineering" button.

**Paul Kamen, PE:** Mr. Kamen holds a B.S. in naval architecture and marine engineering from Webb Institute of Naval Architecture (1973) and an M. Eng. in Naval Architecture from the University of California at Berkeley (1979). He is a licensed mechanical engineer (California).

Paul began his professional career with the commercial ship design firm Morris Guralnick Associates in San Francisco, where he was involved in the design of large scale ocean thermal energy conversion platforms as

well as a variety of ship design and conversion projects. Subsequently at Arneson Marine, he acquired a specialty in surface-piercing propulsion systems and developed software to predict the performance of very high speed planning hulls.

Since 1990, Paul has been an independent naval architecture consultant specializing in small craft accident reconstruction and surface-piercing propulsion. Projects have included the analysis and testing of novel configurations of hybrid hydrofoil and planing hulls, yacht performance analysis, and reconstruction of personal watercraft, parasailing, tubing and sailboat accidents.

Notable publications and presentations include: "Personal Watercraft Steering, Braking and Testing," Chesapeake Power Boat Symposium. "An Overview of Ocean Renewable Energy," SNAME annual meeting. "Forensic engineering of propeller contact injuries," National Academy of Forensic Engineers and American Academy of Forensic Scientists. "Urban Passenger-Only Ferry Systems," SNAME annual meeting. He has also authored over 300 articles on sailing theory, practice and politics for the regional sailing magazine "Latitude 38" as a featured columnist since 1980.

He serves on the Berkeley Waterfront Commission, the US Sailing District Appeals Committee (for sailboat racing rule appeals), and on the Boards of the San Francisco Bay Yacht Racing Association and the Berkeley Racing Canoe Center. He is a certified US Sailing racing rules judge, and a member of the Society of Naval Architects and Marine Engineers, the American Academy of Forensic Engineers, and the National Society of Professional Engineers.

**Richard (Dick) Blackman, BSEE:** Richard retired from the USCG Office of Boating Safety in 2010 having been a general engineer in the Product Assurance Branch. His duties at the USCG included subject matter expert in Carbon Monoxide, Propeller injury and navigation lights. He was also responsible for ensuring boat manufacturer compliance with federal recreational boat manufacturer statues and regulations.

Richard monitored boating accidents and assisted in the development of additional manufacturer regulations and standards. He consulted with manufacturers, boaters and other interested parties in the interpretation and application of USCG boating safety regulations and standards.

When employed by the USCG he was their representative to technical standards committees of: Underwriters Laboratories, Society of Automotive Engineers Marine Technical Committee, and the American Boat and Yacht Council (ABYC). He is the current Chair of the ABYC Navigation Lights and Galvanic Isolators Project Technical Committee (PTC).

Prior to the USCG Richard was involved in various US Navy shipboard projects as a civilian and as a Navy officer and enlisted man. He is a member or past member of ABYC, ASNE, Chesapeake Area Professional Captains Association, IAMI, SNAME, and the USCG Auxiliary. Richard was graduated from Marquette University with a BSEE in 1972.

He has completed the comprehensive and advanced National Boating Accident and Analysis courses of the National State Boating Law Administrators (NASBLA). He is ABYC Standards Certified, ABYC Marine Systems Certified and ABYC Diesel Engines Certified.

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## **Aker Philadelphia Shipyard Delivers 12th Product Tanker**

Marinelink.com, July 12, 2011

Aker Philadelphia Shipyard (Oslo: AKPS), a leading U.S. commercial shipyard, delivered to American Shipping Company (Oslo: AMSC) the shipyard's twelfth Veteran Class MT-46 product tanker. The 46,000 dwt vessel, named the Overseas Tampa, will leave the shipyard in the coming days under the operation of Overseas Shipping Group (OSG) to transport petroleum products.

The on schedule delivery of this ship marks the successful conclusion of a historic shipbuilding program that began in April 2005. The twelve ship program was one of the largest commercial ship construction efforts since World War II and has contributed towards making the U.S. Fleet more environmentally friendly with the vessel's double hull design and cleaner engines.



Aker Philadelphia Shipyard is building two additional product tankers.

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*Ed Note: Guy Nolan, PE of DCG has been monitoring the construction of each vessel delivered from the Aker yard since 2002 for the lead lender.*

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## **Cargo News**

From: "Flashlight" June 2011

**BOX SHORTAGE:** the World Shipping Council has urged shippers and carriers to improve their planning and supply management in a bid to avert a potential global shortage of containers later this year. WSC said box supply is at risk as a result of growing demand and losses sustained during the Japanese earthquake in March.

From: AIMU- American Institute of Marine Underwriters  
**RECORD DELIVERIES**

With a record amount of new capacity coming on line in April and more deliveries on the way, container shipping freight rates and vessel charter prices likely have nowhere to go but down, industry analyst Alphaliner says. Thirty-two ships with an aggregate capacity of 226,500 20-foot equivalent units were scheduled for delivery in April, a monthly record, it said. Shipyards are set to deliver another 41 vessels with 204,000 TEU's in May, bringing total deliveries in the first five months of the year to 688,000 TEU's. This flood of new capacity is hitting the market just as growth in demand appears to be slowing. (The Journal of Commerce, 5/2/11.)

**Deepwater Horizon preliminary report**– The Joint Investigation Team charged with examining the explosion on board the mobile offshore drilling unit Deepwater Horizon and resulting oil spill announced that the Coast Guard members of the team have released their findings related to issues under Coast Guard jurisdiction. Volume I can be found online at <http://marineinvestigations.us/under> the marine casualty reports section. It details 61 conclusions, 54 safety recommendation and nine administrative recommendations. It is not a final report. The findings of the Coast Guard team members will be included as part of the final JIT investigative report, which is expected to be released no later than July 27, 2011. (Deepwater Investigation.com, 5/2/2011.)

**U.S. Retail Container Forecast To Level Off**– Import cargo volume at the nation's major retail container ports to level off this month at about the same numbers as last year after nearly 18 months of year-over-year gains, according to the monthly Global Port Tracker forecasts. Traffic is expected to remain steady into mid-summer before resuming gains said the report from the National Retail Federation and Hackett Associates. (American Shipper, 5/16/11.)

**Ocean Carrier Profits to Fall**– The financial performance of ocean carriers will deteriorate in the second quarter as falling freight rates and rising operating costs hit shipping companies' bottom lines, according to a new report from Alphaliner. (The Journal of Commerce, 5/17/11.)

**Shipping Companies Urge Governments to Tackle Piracy**– Ship owners are stepping up pressure on governments world-wide to take a stronger role in policing the waters off Somalia and prosecuting hijackers, saying lax enforcement is encouraging attacks and helping pirates extend their operations farther into the Indian Ocean. Piracy hit an all-time high in the first three months of 2011, with 142 attacks world-wide, up from 67 a year earlier, according to statistics from the International Maritime Bureau. (The Wall Street Journal, 5/8/11.)

**Piracy Surcharge**– Maersk Line is increasing its emergency risk surcharge for transporting containers through the pirate-infested waters of the Gulf of Aden and the Indian Ocean. The adjusted prices will increase to \$200 to \$500 per 40-foot equivalent unit from \$100 to \$400. (The Journal of Commerce, 5/11/11.)

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