

MARAD's underwriting agent or MARAD.

§ 308.547 Application for return premium, Form MA-317.

An application for the return of premium must be filed in duplicate with the Underwriting Agent on Form MA-317, which may be obtained from MARAD's underwriting agent or MARAD.

GENERAL

§ 308.548 Standard form of underwriting agency agreement for cargo, Form MA-318.

This form, which may be obtained from MARAD's underwriting agent or MARAD, is the standard form of underwriting agency agreement applicable with respect to agreements executed by the Maritime Administrator and domestic insurance companies authorized to do a marine insurance business in any State of the United States, appointing such companies as Underwriting Agents to issue war risk cargo policies in accordance with the provision of the agreement and this subpart.

§ 308.549 Application for appointment of Cargo Underwriting Agent, Form MA-319.

Any domestic insurance company authorized to do a marine insurance business in any State of the United States may apply for appointment as a Cargo Underwriting Agent by submitting to the Maritime Administrator a letter and Form MA-399, which may be obtained from MARAD's underwriting agent or MARAD.

§ 308.550 Certificate, Form MA-320.

Wherever any provision of this subpart, or any amendment thereto, requires the Assured to make a declaration or certification under the penalties of perjury, and the form of the declaration or certificate is not prescribed, the Assured may execute a certificate on Form MA-320-A for an individual, on Form MA-320-B for a partnership, or on Form MA-320-C for a corporation, which forms may be obtained from MARAD's underwriting agent or MARAD.

§ 308.551 War risk insurance clearing agency agreement for cargo, Form MA-321.

The standard form of clearing agency agreement, Form MA-321, shall be executed by the Maritime Administrator and domestic insurance companies, or groups of domestic insurance companies authorized to do a marine insurance business in any State of the United States, appointing such companies or groups of companies as clearing agents, which form may be obtained from MARAD's underwriting agent or MARAD.

§ 308.552 Effective date.

This subpart shall be effective as and when the Maritime Administrator finds that war risk cargo insurance adequate for the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

Subpart G—Records Retention

§ 308.600 Records retention requirement.

The records specified in §§ 308.8, 308.517, and 308.548 of this part shall be retained until a release is granted by MARAD, at which time MARAD will take custody of the records.

(Authority: 46 U.S.C. sections 53902, 53910; 49 CFR 1.93)

PART 309—VALUES FOR WAR RISK INSURANCE

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STORES AND SUPPLIES

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§ 309.1

AUTHORITY: Secs. 204, 1209, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114, 1289); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973); Maritime Administrative Order 440-3 (December 6, 1973).

SOURCE: 39 FR 30487, Aug. 23, 1974, unless otherwise noted.

§ 309.1 Procedure.

The Ship Valuation Committee, Maritime Administration, shall publish bimonthly in the notice section of the *FEDERAL REGISTER* a general notice which shall set forth the stated valuations of individual vessels upon which interim binders for war risk hull insurance have been issued. Such values shall be effective with respect to a six-month period commencing on January 1 and ending on June 30, or a six-month period commencing on July 1 and ending on December 31 of each calendar year; *Provided, however,* That if there is a substantial change in market values during the effective period of a state valuation, the Maritime Administration reserves the right to revise such valuations at any time during such period.

§ 309.2 Definitions.

(a) *Ship Valuation Committee* means the Ship Valuation Committee referred to in Maritime Administrative Order 440-3.

(b) *The date a vessel is built* is the date the vessel is delivered by the shipbuilder.

(c) *The deadweight tonnage* of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(d) *The speed of a vessel* means the speed determined in accordance with the formulae provided in part 246 of this chapter.

(e) *A passenger vessel* is a vessel which carries more than twelve passengers.

§ 309.3 Stated valuation.

A stated valuation represents just compensation for the vessel to which it

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applies computed by the Ship Valuation Committee in accordance with sections 902(a) and 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242(a), 1289(a)(2)). The stated valuation of a vessel does not include vessel stores and supplies, which consist of (a) consumable stores, (b) subsistence stores, (c) slop chest, (d) bar stock, and (e) fuel, as defined in Maritime Administration Inventory Book Forms MA-4736, A through K, which will be valued separately.

§ 309.4 Maximum amount insured.

A stated valuation is the maximum amount for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel to which such valuation applies and for which claims for damage to or actual or constructive total loss of such insured vessel may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the effective period of such valuation under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter.

§ 309.5 Condition of vessel.

If the true condition of a vessel is not known, the Ship Valuation Committee, in determining the stated valuation of the vessel, may assume that it is in a condition that would entitle it to the highest classification of the American Bureau of Shipping, or the equivalent if the vessel is a foreign-flag vessel, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, the United States Public Health Service, and the Federal Communications Commission, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and, so far as due diligence can make her so, the vessel is tight, staunch, strong, and well and sufficiently tacked, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and

in all respects fit for service. The stated valuation of a vessel in substandard condition is subject to downward adjustment as provided in § 309.6(a).

§ 309.6 Adjustments for condition, equipment, and other considerations.

(a) *Adjustment for a vessel in substandard condition.* If the Maritime Administration determines that a vessel is in substandard condition from that assumed by the Committee as provided in § 309.5, there shall be subtracted from the stated valuation of such vessel an amount estimated by the Maritime Administration as the cost of putting the vessel in the condition assumed by the Committee when determining its stated valuation.

(b) *Special equipment.* If the depreciated reproduction cost less construction subsidy, if any, of any special equipment of material utility in the handling of cargo or utilization of a vessel, not otherwise taken into account in determining the stated valuation of such vessel, is in excess of \$50,000, an amount estimated by the Maritime Administration as the fair and reasonable value of such equipment shall be added to the stated valuation of such vessel.

(c) *Government installations.* A stated valuation determined pursuant to this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt any vessel from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk insurance, submitted in accordance with § 308.3 of this chapter, shall be accompanied by a completed Form MA-828, Vessel Data. Copies of this form may be obtained from either the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005, or the Director, Office of Marine Insurance (MAR-540) Mari-

time Administration 400 Seventh Street SW., Washington, DC 20590.

(b) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed in paragraph (a) of this section whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

(Approved by the Office of Management and Budget under control number 2133-0011)

[39 FR 30487, Aug. 23, 1974, as amended at 47 FR 25330, June 14, 1982; 50 FR 50167, Dec. 9, 1985]

§ 309.101 Amendment of interim binders.

The interim binder for a vessel whose stated valuation is established pursuant to this part shall be deemed to have been amended on the first day of the effective period of such valuation, as provided in the notice publishing such valuation, by inserting in the space provided therefor, or in substitution for any value appearing in such space, the stated valuation of the vessel set forth in such notice. A stated valuation shall apply with respect to insurance attaching during the effective period of such valuation; *Provided, however,* That if there is a substantial change in market values during such period, the Maritime Administration reserves the right to revise the valuations provided for therein at any time during said period; *And provided further,* That the assured shall have the right within 60 days after the date of publication of a stated valuation or within 60 days after the attachment of the insurance under the interim binder to which such valuation applies, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)(2)).

STORES AND SUPPLIES

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

SOURCE: Sections 309.201 through 309.204 contained in G.O. 100, 29 FR 2944, Mar. 4, 1964; 29 FR 3706, Mar. 25, 1964, unless otherwise noted.

§ 309.201

§ 309.201 Purpose.

It is the purpose of §§ 309.201 through 309.204 to prescribe the method for determining the values of stores and supplies on board a vessel when lost, for which claims for loss will be paid, and to prescribe the procedure for payment of claims for such loss, when stores and supplies are covered under a disbursements clause of a War Risk Hull Insurance Binder or a War Risk Hull Insurance Policy issued by the United States on forms prescribed by §§ 308.106 and 308.107 of this chapter, or when stores and supplies are covered by a War Risk Disbursements Policy issued by the United States pursuant to section 1203(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1283(c)). The vessel values established by §§ 309.1 through 309.8 (General Order 82) do not include any allowance for the loss of stores and supplies, as distinguished from equipment and spare parts which are included in such vessel values.

§ 309.202 Definitions.

Stores and supplies are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers, and crew. Vessel stores and supplies include (a) consumable stores, (b) subsistence stores, (c) slop chest, (d) bar stock, and (e) fuel, as defined in Maritime Administration Inventory Books, Forms MA-4736, A through K.

§ 309.203 Value at time of loss.

The value of unused stores and supplies on board a vessel at the time of loss, and for which claims for loss will be paid equals:

(a) The value of such stores and supplies on board at the completion of the previous voyage, plus

(b) The value of stores and supplies purchased and placed on board the vessel before the commencement of the voyage during which the loss occurred, plus

(c) The value of stores and supplies purchased and placed on board the ves-

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sel after the commencement of such voyage, less

(d) That portion of the sum of paragraphs (a), (b), and (c) of this section which was sold, transferred, used or consumed to, but not including, the date of the loss.

§ 309.204 Proof of loss.

Claims for reimbursement for total loss of stores and supplies may be submitted by the owner to the Chief, Division of Insurance, Maritime Administration, Washington, DC 20590, based on one of two alternative methods of proof, as provided in paragraphs (a) and (b) of this section. Owners may use either method for each category of stores and supplies.

(a) *Formula.* In cases where the owner and the Chief, Division of Insurance, Maritime Administration, have agreed, in advance of the loss, upon amounts representing, or the method for determining, the average daily consumption costs of stores and supplies for the owner's vessel, claims for total loss of such stores and supplies may be submitted by the owner on Affidavit in Proof of Claim for the loss of stores and supplies, Exhibit A. In such cases, the value of the consumable stores at time of loss is determined as follows:

(1) The value of consumable stores on board at the time the vessel was ready to sail, determined by multiplying the number of days for which the vessel is stored by the average daily consumption cost in dollars, plus

(2) The cost of consumable stores, if any, purchased in foreign ports for the homeward voyage, less

(3) The average daily consumption cost times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, plus the actual amount of consumable stores transferred or sold. The values of slop chest stores, bar stock and fuel, at the time of loss are determined in the same manner by using the applicable daily consumption costs for such stores. The value of subsistence stores at the time of loss is determined as follows:

(i) The value of subsistence stores on board at the time the vessel was ready to sail, determined by multiplying the agreed cost for one man per day by the

Maritime Administration, DOT**§ 309.204****EXHIBIT A****AFFIDAVIT IN PROOF OF CLAIM FOR THE LOSS OF
UNUSED STORES AND SUPPLIES ON BOARD THE
SS _____****STATE OF****ss:****COUNTY OF**

I am the _____ of _____, the Owner of the SS _____, which was lost as a result of enemy action on or about the _____ day of _____, _____. I make this affidavit in support of the above-named Owner's claim for the loss of the actual value of the said vessel's unused Stores and Supplies. The statements herein contained are based upon the personal knowledge of deponent or upon the books of records of the Owner or its agent which deponent believes are true and accurate.

(A) "Stores and Supplies", for loss of which claim is being made, are limited to consumable and subsistence stores as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and do not include radio supplies, expendable equipment, scrap, junk and spare parts.¹

(B) It has been the consistent accounting practice of the Owner to group together Consumable Stores as defined in the Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Expendable Equipment, but the amount herein stated to be the value of consumable stores for the purpose of making this claim does not exceed _____² percent of the aggregate of such consumable stores and expendable equipment.¹ I am familiar with the insurance carried on the Stores and Supplies on the SS _____; and, from the effective date of War Risk Insurance Binder No _____ Policy No _____ issued by the United States of America, which covers the total loss of Stores and Supplies in the amount of \$ _____, to the date of such vessel's loss on _____, there was no war risk insurance on such Stores and Supplies other than that provided by said Binder or Policy.

The period for which the vessel was stored with Stores and Supplies for use on the voyage on which she was lost, beginning with the last day of storing, was _____ days for Consumable Stores, _____ days for Subsistence Stores, _____ days for Slop Chest, _____ days for Bar Stock and _____ days for Fuel. The number of days from the last day of storing to, but not including, the date on which the vessel was lost, was _____ days for

¹Strike out either paragraph (A) or (B).

²Insert percentage agreed upon with Chief, Division of Insurance, Maritime Administration.

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Consumable Stores, _____ days for Subsistence Stores, _____ days for Slop Chest, _____ days for Bar Stock and _____ days for Fuel.

I. Consumable (Excluding Subsistence) Stores:³

(A) The average daily consumption cost of Consumable Stores for this vessel for the year prior to the voyage on which she was lost was⁴ \$_____.

(B) The figure required for (A) is not readily available, and the average daily cost of Consumable Stores for this vessel for the last calendar year set up on the Owner's books was⁴ \$_____.

The amount of Consumable Stores on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was \$_____.

To this amount is added the actual cost of Consumable Stores purchased in Foreign Ports for the homeward voyage (as per statement attached)⁵ \$_____, making the total amount on board at date of sailing \$_____.

The average daily consumption cost, as above, times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is \$_____.

To this amount is added the actual amount of Consumable Stores transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Consumable Stores on board at date of sailing, as above, is \$_____, which sum is claimed to be the actual value of the vessel's unused Consumable Stores at the time of the loss, according to the best of deponent's knowledge, information and belief.

II. Subsistence Stores:

The amount of Subsistence Stores on board, that is the number of the crew signed on () and the average number of passengers, if any (), times the number of days for which the vessel was stored as above (), times the applicable factor⁶ of cost for one man per day () was \$_____.

To this amount is added the actual cost of Subsistence Stores purchased in Foreign Ports for the homeward voyage (as per statement attached)⁵ \$_____, making the amount on board on date of sailing \$_____.

The amount of Subsistence Stores consumed, that is the number of crew signed on

³If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

⁴Strike out paragraph (A) or (B).

⁵Strike out this sentence if vessel was lost on outward leg of voyage.

⁶The factor of cost per man per day, as prescribed by the Maritime Administration for voyages beginning in 19_____, is \$_____.

() and the average number of passengers, if any () times the number of days between the last day of storing the vessel and the date on which the vessel was lost () times the applicable factor⁶ of cost for one man per day was \$_____.

To this amount is added the actual amount of Subsistence Stores transferred or sold (as per statement attached), \$_____, making \$_____, which, subtracted from the amount of Subsistence Stores on board at date of sailing, as above, is \$_____, which sum is claimed to be the actual value of the unused Subsistence Stores at the time of the loss, according to the best of deponent's knowledge, information and belief.

III. Slop Chest:⁷

(A) The average daily consumption cost of Slop Chest Stores for this vessel for the year prior to the voyage on which she was lost was⁸ \$_____.

(B) The figure required for (A) is not readily available, and the average daily cost of Slop Chest Stores for this vessel for the last calendar year set up on the Owner's books was⁸ \$_____.

The amount of Slop Chest Stores on board at the time this vessel was ready to sail (the number of days for which the vessel was stored times the average daily consumption cost, as above) was \$_____.

To this amount is added the actual cost of Slop Chest Stores purchased in Foreign Ports for the homeward voyage (as per statement attached)⁵ \$_____, making the total amount on hand at date of sailing \$_____.

The average daily consumption cost, as above times the number of days from the date the vessel was ready to sail to, but not including, the date of loss, as above, is \$_____.

To this is added the actual amount of Slop Chest Stores transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Slop Chest Stores on board at date of sailing, as above, is \$_____, which sum is claimed to be the actual value of the vessel's unsold Slop Chest Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

IV. Bar Stock:⁸

(A) The average daily consumption cost of Bar Stock for this vessel for the year prior

⁷If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

⁸Strike out paragraph (A) or (B).

⁹If the figure needed to fill the blank in paragraph (A) or (B) is not available, the formula cannot be used; the Owner must submit actual inventories and a record of purchases on Affidavit Exhibit B.

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storing to, but not including, the date on which the vessel was lost, was _____ days for Consumable Stores, _____ days for Subsistence Stores, _____ days for Slop Chest, _____ days for Bar Stock and _____ days for Fuel.

I. Consumable (excluding Subsistence) Stores:

(1) The value of Consumable Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on _____, less actual consumption to date of sailing, amounting to \$_____, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to \$_____, was \$_____.

(2) The average daily consumption factor of \$_____ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss (_____) is \$_____.

To this amount is added the actual amount of Consumable Stores transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Consumable Stores on board at the time the vessel was ready to sail, as shown in (1) above, is \$_____, which sum is claimed to be the actual value of the vessel's unused Consumable Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

II. Subsistence Stores:

(1) The value of Subsistence Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on _____ less actual consumption to date of sailing, amounting to \$_____, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to \$_____, was \$_____.

(2) The average daily consumption factor of \$_____ (as determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss (_____) is \$_____.

To this amount is added to the actual amount of Subsistence Stores transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Subsistence Stores on board at the time the vessel was ready to sail, as shown in (1) above, is \$_____, which sum is claimed to be the actual value of the vessel's unused Subsistence Stores at the time of the

loss according to the best of deponent's knowledge, information and belief.

III. Slop Chest Stores:

(1) The value of Slop Chest Stores on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on _____ less actual consumption to date of sailing, amounting to \$_____, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to \$_____, was \$_____.

(2) The average daily consumption factor of \$_____ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss (_____) is \$_____.

To this amount is added the actual amount of Slop Chest Stores transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Slop Chest Stores on board at the time the vessel was ready to sail, as shown in (1) above, is \$_____, which sum is claimed to be the actual value of the vessel's unused Slop Chest Stores at the time of the loss according to the best of deponent's knowledge, information and belief.

IV. Bar Stock:

(1) The value of Bar Stock on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of amounts on board the vessel at the termination of the preceding voyage or date of last inventory on _____ less actual consumption to date of sailing, amounting to \$_____, plus the actual additional purchases made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to \$_____, was \$_____.

(2) The average daily consumption factor of \$_____ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss (_____) is \$_____.

To this amount is added the actual amount of Bar Stock transferred or sold (as per statement attached) \$_____, making \$_____, which, subtracted from the amount of Bar Stock on board at the time the vessel was ready to sail, as shown in (1) above, is \$_____, which sum is claimed to be the actual value of the vessel's unused Bar Stock at the time of the loss according to the best of deponent's knowledge, information and belief.

V. Fuel:

(1) The value of Fuel on board the vessel at the time the vessel was ready to sail, as shown by the attached certified inventory of

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amounts on board the vessel at the termination of the preceding voyage or date of last inventory on _____ less actual consumption to date of sailing, amounting to \$ _____, plus the actual additional purchase made for the voyage on which the vessel was lost, as shown by the attached invoices, amounting to \$ _____, was \$ _____.

(2) The average daily consumptions factor of \$ _____ (determined by dividing the amount determined as in (1) by the number of days for which the vessel was stored) times the number of days from the date the vessel was ready to sail to, but not including, the date of loss (_____) is \$ _____.

To this amount is added the actual amount of Fuel transferred or sold (as per statement attached) \$ _____, making \$ _____, which, subtracted from the amount of Fuel on board at the time the vessel was ready to sail, as

shown in (1) above, is \$ _____, which sum is claimed to be the actual value of the vessel's unused Fuel at the time of the loss according to the best of deponent's knowledge, information and belief.

Claim is hereby made for:

Unused Consumable Stores, other than—	
Subsistence Stores	\$ _____
Subsistence Stores	\$ _____
Slop Chest	\$ _____
Bar Stock	\$ _____
Fuel	\$ _____
Total	\$ _____

By: _____

Sworn to before me this _____ day of _____, 19____.

Notary Public