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DOCKETED
USNRC

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE SECRETARY

| | | |
|-----------------------------|---|----------------------|
| In the Matter of |) | Filed April 18, 2005 |
| |) | |
| |) | |
| USEC Inc. |) | Docket No. 70-7004 |
| (American Centrifuge Plant) |) | |
| |) | |
| |) | |

**PETITIONER'S RESPONSE
TO APPLICANT'S MOTION TO STRIKE INFORMATION IN REPLIES BY
GEOFFREY SEA TO ANSWERS OF USEC INC. AND NRC STAFF**

Alleging that Petitioner submitted "a newly found theory on standing" in his replies to USEC and NRC staff, the Applicant seeks to preclude the Petitioner from (1) meeting his obligation to prove standing at each stage of the proceeding; and (2) presenting the factual evidence that demonstrates his standing. Applicant's Motion to Strike should be denied.

I. Background

Petitioner Geoffrey Sea comes pro se seeking leave to intervene in the above-captioned proceeding and to raise certain issues material to the issuance of the licenses sought by USEC Inc. Petitioner filed to intervene on February 28, 2005. USEC filed an answer on March 23, 2005. NRC staff answered on March 25, 2005. Petitioner filed a reply to USEC's answer on March 30, 2005, and a reply to NRC staff on April 1, 2005. On April 8, 2005, USEC filed a Motion to Strike Information in Petitioner's replies. This filing is a response to USEC's Motion to Strike.

Template = SECY-037

SECY-02

II. Discussion

The requirements of standing are met where the petitioner suffers “an injury in fact that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be addressed by a favorable decision.” *Friends of the Earth v. Laidlaw Environmental Services*, 528 U.S. 167, 180-81 (2000); see also *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). See also *Center for Auto Safety v. Nat’l. Highway Traffic Safety Admin.*, 793 F.2d 1322, 1334 (D.C. Cir. 1986) (“It is settled law that standing may be grounded on a mere ‘trifle,’ so long as injury in fact is present.”).

Faced with clear evidence that the Petitioner in fact has satisfied all the criteria for standing to intervene in this proceeding, on multiple grounds, USEC resorts to an attempt to suppress those facts, bar them from the record, and confuse the issues surrounding the grounds for Petitioner’s standing. In his original petition, Petitioner did provide ample evidence that he has standing for at least three reasons:

1) He established a regular presence in the Piketon area starting with his residency there between 1980 and 1986, then resuming in August of 2004, with his commitment to purchase the Barnes Home as his primary residence. This commitment preceded USEC’s application for a license to build the ACP. Petitioner noted that, based on the location of his residence, according to USEC’s Environmental Report, the Petitioner fits the description of the “MEI” (Maximally Exposed Individual), in terms of both future exposure to regular emissions from ACP, and potential vulnerability to exposure from catastrophic events at ACP.

2) Petitioner acquired equitable title to the Barnes Home on September 2, 2004, prior to the commencement of this proceeding. Petitioner now has full title to the property and it is his primary and permanent residence. Petitioner described at length the potential injuries to his property interests, supported by expert statements.

3) Petitioner has a special interest, protected under the National Historic Preservation Act, as a historian, preservationist and writer who has demonstrated detailed knowledge and involvement in preservation of cultural resources in the locale. Among other exhibits, Petitioner submitted, along with his original petition: a) his essay from the *American Scholar*, Winter 2004 (prior to USEC's selection of Piketon as site for ACP), in which the Petitioner made specific proposals for historic preservation of sites proximate to the ACP buildings, b) the letter from the Ohio Historic Preservation Office to the Petitioner, based on the Petitioner's application, that makes the determination of the Barnes Home as eligible for the National Register of Historic Places, and: c) a letter from the Pike County Convention and Visitors Bureau that supports the Petitioner's plans to restore the Barnes Home and make it accessible to the public.

Revealingly, USEC makes no reference to any of this voluminous evidence or factual record, instead simply pretending that it was not provided or does not exist.

USEC's Answer to the Petitioner sought to confuse the issue by implying some conflict between the various bases of Petitioner's standing. Petitioner has multiple bases for standing—there is no conflict. Petitioner sought in his replies to USEC and to NRC staff, to clarify the matter by presenting the multiple bases of standing in a more organized fashion than in the original petition. USEC claims that Petitioner “significantly changed his ‘theory’ of standing.” (USEC Motion to Strike, page 4). A review of the record reveals that charge as nutty.

Clarification and reorganization are precisely what replies are supposed to accomplish. There was no new "theory," and indeed it is unclear what USEC means by "theory of standing." NRC rules under section 2.309 do not require that a Petitioner present a "theory of standing." Filing pro se, Petitioner attempted no "theory of standing," hence there was no "changed" theory of standing. Rather, Petitioner presented the evidence of standing in fact, not "theory," as called for by NRC and federal rules of procedure, and when challenged, Petitioner clarified and elaborated on that evidence, in specific response to questions and accusations raised by USEC and NRC staff.

In both NEPA and NHPA cases, courts have consistently held that determinations of injuries for purposes of determining standing necessarily vary from case to case depending on the nature of the specific interests and injuries at issue. For example, in the NEPA case *Sierra Club v. Mason* (351 F. Supp. 419, 2 ELR 20694), the court ruled that the impact of a dredging operation on the recreational and commercial use of a harbor required only a minimum amount of detail in the specification of potential injuries. As Petitioner stated in his Reply briefs, both USEC and NRC staff were unprepared for the types of interests and potential injuries alleged by the Petitioner in this case. USEC attempts to compensate for this lack of preparation by ruling out the introduction of Petitioner's evidence.

III. Information Regarding Petitioner's Residence

By use of selective quotation on pages 3-5, USEC fabricates an argument that Petitioner did not originally claim "a significant presence," (equivalent to residency) in the Piketon area prior to the start of this proceeding. However USEC chooses to interpret the original petition, the

pattern of a significance presence existed in fact at the commencement of this proceeding. USEC acknowledges on page 3 that "Petitioner stated [in the original petition] that he 'lived in the Piketon area intermittently between 1980 and 1982, and [that the area] served "as [his] principal residence between 1982 and 1986....'" USEC wishes to imply by termination of the quotation that Petitioner's presence and residency terminated in 1986. Petitioner never said that, never implied that, and it is counter to everything stated in the Petition. The passage quoted is merely the introduction to a section that recited the Petitioner's long involvement in the Piketon area, and with the Barnes Home in particular, continuing through to the present day and into the future. That section (following page 2 of the Petition) goes on to describe the Petitioner's recent pattern of presence in the area including the statement, rapidly following upon the one quoted by USEC: "Petitioner has been in the process of relocating back to the Piketon area since the summer of 2004, and intends to make his permanent residence in Scioto Township."

In his Replies, Petitioner provided details of five separate stays in the Piketon area beginning in August of 2004, together with an affidavit from the attorney who handled the Barnes Home transaction, attesting to those stays and to petitioner's intention to reside in Pike County. USEC characterizes all of this as "new." But it's not new, merely organized and listed to make the pattern clear. Petitioner stated:

Since August of 2004, Petitioner has attended numerous public events in Pike County and nearby in Ohio, testifying to his regular presence there. These appearances included his attendance at the large Kerry Rally at the West Farm in Wakefield on October 16, 2004; his participation in the Ohio Historical Society's Preservation Conference in Columbus between November 4 and 6, 2004; his appearance at the Department of Energy Semiannual Environmental Hearing in Piketon on December 2, 2004; and his public testimony at the NRC scoping hearing for ACP in Piketon on January 18, 2005. Petitioner submits that his documented appearances in

Ohio in August 2004, September 2004, October 2004, November 2004, December 2004, and January 2005, do establish a pattern of residency that began in mid-August.

The original petition did make reference to these stays; but the information was scattered. As previously cited, the Petition dated the relocation as starting during “the summer of 2004.” On page 5, the Petition states:

Petitioner first contracted and paid a deposit to purchase the Barnes Home in September of 2004, prior to public notice of USEC’s license application. Subsequently, in November, 2004, while petitioner was arranging financing for the purchase, Petitioner filed a “questionnaire” with the Ohio Historic Preservation Office (OHPO), to have the property listed on the National Register of Historic Places.

Petitioner’s October 2004 stay was alluded to in the discussion of the Petitioner’s discovery of a large, previously unknown, Hopewell circle that is part of the Barnes Works (Petition, pages 17-18). Such discoveries don’t happen through casual contact with a locale. In November, 2004, Petitioner both attended the OHS Preservation conference and filed the questionnaire for the Barnes Home. Petitioner’s attendance at the DOE Semiannual Environmental Meeting was alluded to in the Petition, because it was at that meeting that Petitioner raised the issue of herbicide spraying around the site perimeter. USEC can hardly claim that they suffer from “surprise” at learning about Petitioner’s attendance at that public meeting, where USEC officials were in attendance.

And USEC can hardly claim that the petitioner’s appearance and public testimony (available through NRC’s ADAMS system) at the ACP scoping hearing, a part of this proceeding, in January, constitutes “new information.”

In short, USEC has had the evidence of Petitioner’s involvement and presence in the Piketon community right there before it—in the Petition, in Petitioner’s public statements and

testimony, in Petitioner's published works. What is the Petitioner supposed to do, rent the Goodyear Blimp to fly past USEC's Washington beltway headquarters, announcing that he is the next-door neighbor of the proposed ACP in Piketon?

The information about the Petitioner's residency and presence in Piketon contained in Petitioner's replies is not new. It's elaborated and documented in order to answer USEC's own attempts to distort and deny the facts. But let's say for the sake of argument that some is new. USEC's legal argument is that an NRC decision in the *Louisiana Energy Services* case bars new information about standing in replies. That's incorrect. When, as cited by USEC, the Commission ruled that "new arguments may not be raised for the first time in a reply brief" (USEC citing LES case, page2), the matter at hand was new arguments *in support of contentions*, not about standing. USEC cites no authority to support the idea that new information about standing is not permitted, and indeed it would be illogical to promulgate such a rule.

There is a simple reason to bar new arguments and information in support of contentions in reply briefs; namely, that the proper way to introduce such information and argumentation is through a nontimely filing as provided for under the rules. In other words, the Commission properly bars sneaking in new contention material in a reply brief, when it ought to conform to the specifications of a nontimely filing. However, the NRC rule under 2.309c on Nontimely filings refers to new information about contentions only, not about standing. For new information regarding a Petitioner's standing, the federal rules not only allow but require as an obligation that the information be provided as rapidly as possible and through any type of brief, since standing is so crucial to the proceeding itself.

Federal procedure mandates that standing must be demonstrated at every stage of a proceeding, not just at the outset. (See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 1990, “In response to a summary judgment motion, however, the plaintiff can no longer rest on such ‘mere allegations,’ but must ‘set forth’ by affidavit or other evidence ‘specific facts,’ Fed. Rule Civ. Proc. 56(3), which for purposes of summary judgment motion will be taken as true.” *Id.* at 561). Indeed, if Petitioner were not to report accumulating facts regarding standing as they develop, he could be accused of failing to meet his legal obligations. That scenario alone should provide grounds to deny Applicant’s Motion to Strike.

In this case, there was adequate information to assure Petitioner’s standing at the time of original filing, but new facts do emerge, questions do arise and are answered, false allegations must be rebutted.

Both USEC and NRC staff raised questions about both the Petitioner’s residency and his equitable title in the Barnes Home on the basis of the purchase being “speculative.” USEC wrote, on page 10 of its Answer:

[Petitioner] had at most a contingent contractual right to purchase, and that this right was time-limited and had been extended from time to time. Despite the fact that his rights were clearly limited, Petitioner chose not to provide any description of those limits that would allow the NRC to determine for itself whether Petitioner’s interests would be affected by NRC approval of the ACP application. While Petitioner certainly is within his rights in withholding such information, the NRC cannot presume that the withheld information would support his position. Petitioner’s generalized claims of ‘equitable title’ cannot be credited when he has chosen to withhold the details that would explain the full extent of his property interest.”

It was in direct response to this challenge that Petitioner provided “the details that would explain his property interest.” Petitioner did this in part by providing a detailed affidavit from the

attorney handling the transaction, along with a copy of the contract Petitioner has signed for sale of his New York apartment. USEC asked; USEC received. USEC opened the door; Petitioner walked through. To now bar the information under the rubric that it is “new” would effectively bar any reply at all to the passage from USEC just cited. How can USEC ask for more details and then argue that the additional details should be barred as new? Petitioner is damned by USEC when he withholds detailed information, and damned by USEC when he provides it.

USEC cited no legal authority for its position that equitable title should be regarded as “contingent”—a position directly opposed to the common law doctrine that equitable title confers property interest from the time the contract is signed. (*American Jurisprudence Secundum*, under VENDOR and VENDEE as cited in Petitioner’s Reply to NRC Staff.) However, perhaps the issue is now rendered moot by the fact that Petitioner’s purchase of the Barnes Home closed on April 15, 2005, and the deed for the Barnes Home in the name of Geoffrey Sea is being filed today, April 18, with the Pike County Clerk. (Petitioner is sure that USEC shares in the joyful knowledge that the Barnes Home will be restored and preserved.) A copy of the deed is attached as Exhibit Y. Why? Because it’s a new fact that will “allow the NRC to determine for itself whether Petitioner’s interests would be affected by NRC approval of the ACP application.”

Petitioner also now has an accepted offer in contract on his New York apartment, and is now in the midst of moving, a process that will be completed years before USEC’s speculative ACP project spins into operation. USEC has spared no opportunity to recite that the Petitioner maintains a mailing address “in New York City” (no doubt intended to be pronounced in the manner of the guy in the Old El Paso commercial). Petitioner would like to clarify and respond

to that refrain with two important facts: 1) THE BARNES HOME CURRENTLY HAS NO MAIL BOX. Now that petitioner owns the property, that will be rectified, and Petitioner will promptly inform USEC as soon as mail can be delivered there. 2) Petitioner never stated as alleged that he resides exclusively in New York. Petitioner has been honest and clear that since August of 2004, he has been in the process of relocation, a process soon to be completed. In the original petition, Petitioner stated his address as follows:

Current contact information pending relocation to Pike County:

340 Haven Ave., Apt. 3C
New York, NY 10033
Telephone: (212) 568-9729
E-mail: GeoffreyScaNYC@aol.com

Address after relocation:

1832 Wakefield Mound Road
Piketon, OH 45661

That's about as clear as can be. (Petitioner will see what he can do about changing his e-mail address.)

USEC itself states in its Motion to Strike that "NRC typically affords standing only to persons who actually reside, or otherwise have a significant presence, in the area of the facility to be licensed." There is nothing typical about this case. Nonetheless, Petitioner has amply demonstrated that he has had a profound presence in the Piketon community that goes back many years, that he contracted to buy the Barnes Home and property, which shares a one-mile fence-line with the ACP site, that he now owns the property, that he will be the "Maximally Exposed Individual" if ACP is licensed and built, that his historic property will be impacted in

many ways, some definitive and some that remain to be studied. Standing under such circumstances cannot be denied.

IV. National Historic Preservation Act

USEC presents an interesting argument in its Motion to Strike, claiming that the Petitioner's statement that his property interests and injuries fall under the scope of the National Historic Preservation Act constitutes "a novel legal argument" (USEC Motion to Strike, page 5).

Huh?

First of all, it is not the Petitioner's duty to educate USEC or the NRC about applicable federal laws. In the requirements for a petition for intervention as laid out in 10 CFR 203.9 there is no mention of having to identify which federal statutory authorities correlate with which stated interests and injuries. Petitioner has multiple bases for standing. Those bases correlate in complex ways with the various statutes in question. There was no need to specify until USEC and NRC staff, in their replies, neglected NHPA as providing a zone of interests that could serve as a basis for standing in an NRC licensing action. Petitioner responded to that neglect in his replies to their answers. The fault was in the neglect, not in the Petitioner's correction of the neglect.

USEC did not only neglect NHPA as a governing authority, it also neglected that the zone of interests defined by NHPA is fundamentally different from the zone of interests typically defined by NEPA or AEA. Therefore it was necessary in Petitioner's Reply to USEC and NRC staff to elaborate on these differences. Such elaboration would not have been necessary if USEC had studied or considered NHPA to begin with, as is its obligation.

USEC says on page 5 that it “could not have anticipated” this “novel legal argument.” Why not? Petitioner described at great length that ACP would impact his historic property, the Barnes Home, which has been determined to be eligible for listing on the National Register of Historic Places. Petitioner made clear that he nominated the Barnes Home for listing and that he has documented plans to restore and preserve the home and property. Petitioner went on at length in his petition about potential impacts of ACP on nearby historic properties, and one of Petitioner’s seven contentions is that USEC, acting in collaboration with DOE, has failed to comply with the National Historic Preservation Act. What are the dots that USEC failed to connect?

As NRC staff notes in footnote 5 on page 21 of their Answer to Petitioner, USEC itself mentions NHPA in its Environmental Report, on page 3-62, as the principal statutory authority governing the protection of cultural resources. USEC also mentions there that the National Register of Historic Places is the backbone of NHPA’s protection regime. So why then could USEC not anticipate that an entire petition based on potential impacts to historic properties might fall under NHPA authority and that the Petitioner, who owns a property eligible for the National Register, might have interests related to NHPA? The idea that USEC wouldn’t get this is absurd.

Of course, if USEC had been on the ball, they would themselves have realized that NRC license applicants must comply with NHPA in just the same way that they must comply with AEA and NEPA, and that injuries to interested parties are just as likely to fall within one zone of interests as another. Out west, where Native American concerns are routinely encountered, NHPA interests are considered as a matter of course. In commenting on the Draft Environmental Impact Statement for the Crownpoint Uranium Solution Mining Project of HRI, Inc. (a

subsidiary of Uranium Resource, Inc.), NRC staff had this to say (as quoted in the Final Environmental Impact Statement, Appendix A, page A-51):

The NRC's responsibility under the Atomic Energy Act of 1954, as amended, is to protect public health and safety and the environment related to source and by-product nuclear material. As part of this responsibility, the NRC must ensure through license conditions that (the applicant) would comply with all applicable laws and regulations that would affect its operations, including those designed to protect the practice of traditional culture...

NHPA, NAGPRA, and various applicable tribal laws are then listed as examples.

So why are authorities other than AEA and NEPA considered so strange and “novel” in the case of Piketon? Piketon’s National Register sites don’t count?

V. Note on USEC’s Footnotes

Rather desperately, USEC continues to try to distort the record by claiming that two petitions were filed, not one (with an immediate correction), hence challenging whether the filing requirement was met. The latest such attempt is made in footnote 3, on page 1 of the Motion to Strike, which states: “Petitioner e-mailed a Petition to Intervene...He subsequently sent via Federal Express a different Petition...”. To rectify the record on this issue, a copy of the cover letter accompanying the CORRECTED version of the ONE petition, which was sent by both FedEx and e-mail, is attached as Exhibit X.

VI. Conclusion

Oddly, USEC’s Motion to Strike does not actually specify the information they wish to strike. The reason, no doubt, is that USEC cannot distinguish between the information that it

claims is “new” and “novel” and the information that is either reiteration of the original petition, mere reorganization, or direct response to USEC’s answer. USEC is engaging in a blatant attempt to suppress even an informed discussion of Petitioner’s standing. USEC’s Motion to Strike should be denied. USEC’s request for a “surreply” should be denied. Petitioner’s request for a hearing on his standing and on the admissibility of his contentions should be granted.



Geoffrey Sea

1832 Wakefield Mound Road
Piketon, Ohio 45661
Tel: (740) 835-1508

Mailing address until further notice:
340 Haven Ave., Apt. 3C
New York NY 10033
Tel: (212) 568-9729

E-mail: GeoffreySeaNYC@aol.com

Exhibits:

Exhibit X: “More Complete Filing”: Cover letter accompanying submission of corrected version of original petition.

Exhibit Y Fiduciary Deed for transfer of the three parcels that constitute the Barnes Home property from Maggie West Trust to Geoffrey Sea, issued April 15, 2005, filed April 18, 2005.

EXHIBIT X

Subj: More Complete Filing--Re: USEC Inc. ACP
Date: 3/2/2005
To: HEARINGDOCKET@nrc.gov, OGCMailCenter@nrc.gov, dsilverman@morganlewis.com

To all parties:

Electronic filing of my petition of intervention was made to all parties before 5 pm on Monday, February 28. Hard copies of the complete filing, including exhibits that could not be reproduced electronically, have been sent to all parties by FedEx for delivery either today or tomorrow. Those packages contain the following cover letter:

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033 USA
Tel: (212) 568-9729
E-mail: GeoffreySeaNYC@aol.com

28 February 2005

Attn.: Rulemaking Adjudications Staff of the Secretary
US Office Nuclear Regulatory Commission
16th Floor
One White Flint North
11555 Rockville Pike
Rockville MD 20852

Office of the General Counsel
US Nuclear Regulatory Commission
Washington DC 20555-0001

Donald j Silverman esq.
USEC Counsel
Morgan Lewis Bockius
1111 Pennsylvania Ave. NW
Washington DC 20004

Dear Sirs and Mesdames,

The attached petition for intervention in the USEC American Centrifuge Plant licensing action was filed today, February 28, electronically (by e-mail) before the 5 pm deadline.

This hard copy contains some changes to the body of the petition and supercedes the electronic version. This copy also includes all the exhibits, whereas only some of the exhibits were available in electronic form.

Hard copies may bear a March 1 postmark for the following reason: Two supporting statements arrived by fax and Fedex too late to be included in a mailing by Monday midnight. These were the statements of Charles Beegle, the owner of a historic property on the boundary of DOE land in Piketon, and of Karen Kaniatobe, Tribal Historic Preservation Officer of the Absentee Shawnee Tribe of Oklahoma.

Both Mr. Beegle and Ms. Kaniatobe have standing to intervene themselves by virtue of their

landowner and tribal status. Because of the security problem related to the timing of this case, each of them came to the case very late. While I am not speaking for them, they both decided to support my intervention in lieu of challenging the Commission's ruling limiting intervention to specific parties. For this reason I felt it essential to include their statements, even if causing some hours delay. I am sending these packages by overnight mail, so that they will arrive earlier than they would have had I mailed them first class.

A corrected copy of the electronic text is available upon request.

Thank you for your consideration.

Respectfully,

Geoffrey Sea

I perhaps should have added that the late receipt of the statements of Mr. Beegle and Ms. Kaniatobe necessitated certain changes to the text of the petition as well. So that all parties may receive a more complete and corrected electronic copy as soon as possible, I am here attaching that copy, which supercedes that filed on Monday. The text of the Beegle and Kaniatobe statements is included here, but other exhibits must still await the hard copy.

Sincerely,

Geoffrey Sea

EXHIBIT Y

FIDUCIARY DEED

MAGGIE WEST, TRUSTEE, OF THE MAGGIE WEST TRUST U/A DATED JULY 23, 2001, Grantor(s) by the power conferred by the MAGGIE WEST LIVING TRUST and every other power, for valuable consideration paid, grant(s), with fiduciary covenants, to GEOFFREY SEA, divorced and not remarried, Grantee, whose tax mailing address is 1632 Wakefield Mound Road, Piketon, OH 45651, the following described real property:

Situated in the State of Ohio, County of Pike and Township of Scioto and being more clearly described as follows:

SEE ATTACHED "EXHIBIT A"

SAVE AND EXCEPT, easements and restrictions of record, zoning ordinances, real estate taxes and assessments, if any provided to the date of this deed.

**PRIOR REFERENCE: Vol. 173, Pages 22 - 25 of the Pike County, Ohio Official Records
PARCEL NUMBERS: 20-060200.0000, 20-060300.0000, 20-060400.0000**

Signed this 15th day of April, 2005 by Trustee Maggie West.

Maggie West Trustee

**MAGGIE WEST, TRUSTEE OF THE
MAGGIE WEST TRUST U/A DATED
JULY 23, 2001**

STATE OF OHIO, COUNTY OF PIKE: SS:

The foregoing instrument was acknowledged before me this 15th day of April, 2005 by **MAGGIE WEST, TRUSTEE, OF THE MAGGIE WEST TRUST U/A DATED JULY 23, 2001**, and the same was her free act and deed.

In testimony whereof, I have hereunto set my hand and official seal.



Notary Public, State of Ohio

My Commission Has No

Expiration Date
O.R.C. 147.03

[Signature]

Notary
Commission expires: *[Signature]*

Instrument Prepared By:
SEIF & SHUGART LLC
110 East Bennett Ave.
Waverly, OH 45690
740.947.7277
seif@shugart.com