

0018

**TELEFAX**

Applicant/Violator System Office  
**PROGRAM SUPPORT BRANCH**  
1300 New Circle Road, NE, Suite 100  
Lexington, Kentucky 40505-4215

Telefax Number - 606/233-2842  
Toll Free Number - 1-800-643-9748

*ACT/007/007 # 3*

Date: 11-17-93

12 Number of Pages To Follow

Sending To: Joe Helfrich

Telefax Number: 801-359-3940

From: Keith Harrison

Telephone Number: 606-233-2861

Subject or Message:

*Per our conversation. IF you have any  
Questions - just call.*

*Keith*

SENT BY:

11-12-93 ; 13:58 ; FABIAN & CLENDENIN+

6062892699;# 6/ 8

Entry No. 023283  
Indexed \_\_\_\_\_  
Abstracted \_\_\_\_\_  
Recd. Fee 390.00

640 ~~700~~

STATE OF UTAH } 88 15  
COUNTY OF CARBON }  
FILED AND RECORDED FOR:

FINAL RELEASE AND DISCHARGE

S.E. Utah Title  
Mar 10 2 12 PM '89

BOOK 287 OF RECORDS  
PAGE 156-194  
ANN B. O'BRIEN  
COUNTY RECORDER

1. This memorandum is the integrated expression of complete and final release and discharge by the Utah Division of Oil, Gas and Mining, an agency of the State of Utah within the Department of Natural Resources, acting for itself and its successors and assigns to the fullest extent authorized by law ("Releasor").
2. The intended beneficiaries of this final release and discharge (herein referred to as the "Release") are Kaiser Coal Corporation, Kaiser Coal Corporation of Sunnyside, Kaiser Coal Corporation of Utah, and Kaiser Steel Corporation, together with, for each, all officials, officers, directors, agents, employees, attorneys, personal representatives, heirs, executors, administrators, subsidiaries, successors and assigns of each of them (collectively referred to as the "Debtors").
3. Releasor acknowledges the receipt of sufficient consideration for this Release, which consideration includes the settlement of all Claims (as defined herein) between Releasor and the Debtors.
4. The matters encompassed by this Release are actions, suits, causes of action, accounts, judgments, agreements, promises, executions, debts, damages, demands, rights, obligations, liabilities, and controversies of every nature and description, in law or in equity, whether known or unknown, mature or contingent, direct or indirect, pleaded or unpleaded, suspected or unsuspected, arising from reclamation liability in conjunction with the operation of the Debtors'

STATE OF UTAH  
COUNTY OF CARBON  
FILED AND RECORDED FOR  
89 MAR 10 PM 4 43  
1400  
PAGE 156-194  
ANN B. O'BRIEN  
COUNTY RECORDER

**641**~~701~~

Sunnyside mine under permanent program permit No. ACT/007/007, including, but not limited to, liability arising under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. § 1201 et seq., respectively, Utah Code Annotated (1953, as amended), and any federal or state regulations promulgated to implement said acts (herein collectively referred to as the "Claims"), from the beginning of time to the date of this Release.

5. Releasor acknowledges that it may hereafter discover facts in addition to or different from those which it now knows or believes to be true with respect to the matters encompassed by this Release and discharge, but that it is the intention of Releasor to, and it does hereby, generally, fully, finally and forever settle, release and discharge all Claims which now exist, may exist or may hereafter be claimed to exist, within the scope of this Release. In furtherance of such intention, Releasor acknowledges that the Release herein given shall be and remain in effect as a full, final and complete release and discharge of all matters encompassed herein notwithstanding the discovery or existence of any such additional or different facts.

6. This Release may not be changed orally and can be changed only by the written agreement of duly authorized representatives of each of the Debtors.

7. Nothing in this Release, whether express or implied, shall confer any rights or remedies under or by reason of this Release on any person, group or entity other than the Debtors.

642 ~~702~~

8. This Release is governed by the law of the State of Utah, without regard to the conflicts of law rules of such state.

9. The person executing this Release represents and warrants that he or she is a duly authorized representative of the named undersigned party, and has authority to execute this Release on behalf of that named undersigned party.

Dated: March 9, 1989.

DAVID L. WILKINSON  
Utah Attorney General

By: *Barbara W. Roberts*  
Barbara W. Roberts  
Assistant Attorney General  
236 State Capitol  
Salt Lake City, Utah 84114

FILED  
BRADFORD L. BOLTON, CLERK

SEP 27 1991

U.S. BANKRUPTCY COURT  
DISTRICT OF COLORADO

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO

In re

KAISER STEEL CORPORATION, et al.  
  
Debtors.

}  
} Case No. 87-B-01552 E  
}  
} Jointly Administered.

**ORDER APPROVING STIPULATION FOR SETTLEMENT AGREEMENT IN  
REGARD TO ADMINISTRATIVE CLAIM AND PRIORITY CLAIM OF THE  
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

THIS MATTER, having come before the Court on the Official Unsecured Creditors' Committee of Kaiser Coal Corporation's request for entry of an order approving their Stipulation and Settlement Agreement regarding the administrative and priority claims of the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement ("OSMRE"), being fully advised in the premises and finding that due and proper notice has been given to claimants and attorneys, and no party filed a response and/or objection with respect to the stipulation and settlement or if filed, no objection was sustained, and finding that good cause exists, it is hereby

ORDERED that the Stipulation and Settlement Agreement in regard to the outstanding claims of OSMRE is approved as follows:

1. OSMRE is entitled to an administrative expense claim under § 503(b)(1)(A) of the Bankruptcy Code in the amount of \$34,127.90 against the Kaiser Coal estate, payable within 60 days of this order;
2. OSMRE is entitled to an excise tax priority claim under § 507(a)(7) of the Bankruptcy Code in the amount of \$217,675.68 against the Kaiser Coal estate, payable when distribution on priority claims is commenced by the Kaiser Coal estate; and
3. This settlement is a full and final settlement of any and all claims of OSMRE against the Kaiser Coal Corporation bankruptcy estate, and OSMRE hereby waives and withdraws any and all other claims that it may have in the above-captioned matter including, without limitation, claims against the Kaiser Steel bankruptcy estate.

DATED this 27 day of September, 1991, at Denver, Colorado.

BY THE COURT:



Charles E. Matheson, Chief Judge  
United States Bankruptcy Court

**NOTICE OF ENTRY ON DOCKET**

Notice is Hereby Given that Pursuant to Rule 9022, F.R.B.P., the Foregoing Order of Judgment was

Entered on 9/27/91  
by [Signature]

**FILED**  
**SEP 4 1991**  
 CLERK OF COURT  
 DISTRICT COURT  
 DISTRICT OF COLORADO

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF COLORADO**

In Re

KAISER STEEL CORPORATION, et al.  
 Debtors.

)  
 )  
 ) Case No. 87 B 01552 E  
 )  
 ) Jointly Administered  
 )

**STIPULATED MOTION FOR ORDER ALLOWING THE OFFICE OF  
 SURFACE MINING RECLAMATION AND ENFORCEMENT'S  
 ADMINISTRATIVE CLAIM AND PRIORITY CLAIM  
 (Objection Docket No. 3922)**

The Official Unsecured Creditors' Committee of Kaiser Coal Corporation (the "Committee"), and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement ("OSMRE"), through undersigned counsel, hereby stipulate and agree to the following and respectfully move this Court as follows:

**BACKGROUND**

1. On April 11, 1989, this Court entered an order authorizing the Committee to undertake the administration of claims in the Kaiser Coal Corporation ("Kaiser Coal") bankruptcy proceeding.
2. The Committee objected to the administrative expense claim and the priority claim filed by OSMRE.
3. On August 9, 1991, the Committee notified this Court that the claims of OSMRE had been settled in principle.

**AGREEMENT**

Subject to this Court's approval, the undersigned further stipulate and agree as follows:

4. OSMRE and the Committee have agreed to settle the administrative claim and priority claim of OSMRE as follows:
  - a. OSMRE shall have an allowed administrative claim under § 503(b)(1)(A) of the Bankruptcy Code in the amount of \$34,127.90 against the Kaiser Coal estate, payable to the U.S. Treasury within 60 days of the final order approving this stipulation.
  - b. OSMRE shall have an allowed excise tax priority claim under § 507(a)(7) of the Bankruptcy Code in the amount of \$217,675.68 against the Kaiser Coal estate, payable at such time

as distribution on priority claims is effected by the Kaiser Coal estate.

c. This settlement is a waiver of any and all other claims OSMRE may have in the Kaiser Coal Chapter 11 bankruptcy proceedings.

d. OSMRE had no claim in the Steel estate.

WHEREFORE, the undersigned respectfully request an order from the Court approving this stipulation as full and final settlement of OSMRE's administrative expense and priority expense claims against Kaiser Coal's bankruptcy estate.

DATED this 30<sup>th</sup> day of August, 1991, at Denver, Colorado.

Respectfully submitted,

GELT, FLEISHMAN & STERLING, P.C.

By:

*Harry M. Sterling*  
Harry M. Sterling, Esq.  
Dana A. Temple, Esq.  
303 East 17th Ave., Suite 1110  
Denver, Colorado 80203-1264  
(303) 861-1000

ATTORNEYS FOR OFFICIAL UNSECURED  
CREDITORS' COMMITTEE OF KAISER  
COAL CORPORATION

MICHAEL J. NORTON  
United States Attorney

*J. Greg Whitehair*  
By: J. GREG WHITEHAIR  
Assistant U.S. Attorney  
633 17th Street, Suite 1400  
Denver, CO 80202  
Telephone: (303) 294-1300

ATTORNEYS FOR THE UNITED STATES  
DEPARTMENT OF INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT



## U.S. Department of Justice

United States Attorney  
District of Colorado  
Civil Division

December 9, 1992

DeAnn L. Owen, Esq.  
Office of the Solicitor  
Denver Field Office  
P.O. Box 25007  
Denver Federal Center  
Denver, CO 80225

Re: In re Kaiser Steel Corporation  
Bankruptcy case No. 87-B-01552 E

Dear DeAnn:

Please find enclosed a copy of the letter I sent to the attorneys for Kaiser Coal, confirming that the "omnibus" objection pertained only to any unsecured claims and not to the priority claims, including the priority claim of OSMRE. I therefore did not file an objection to the Omnibus Objection filed by the debtor Kaiser Coal on November 4, 1992.

No plan has been filed in the Kaiser Coal bankruptcy, and, although the Kaiser Steel and Kaiser Coal bankruptcies are being jointly administered, the Kaiser Steel plan expressly excludes Kaiser Coal from its coverage. I spoke to Kaiser Coal's counsel about the anticipated date for filing a plan, and the answer was: "if you are younger than 50, you may see it in your lifetime." Since priority expenses are not paid until after plan confirmation, there is no date on the foreseeable horizon for payment of these claims. If OSMRE has not received the initial administrative expense claim payment of \$34,127.90, we can pursue that claim for immediate payment. Otherwise, we have to wait for plan confirmation.

Please call if you have any questions or need any additional information.

Yours very truly,

MICHAEL J. NORTON  
UNITED STATES ATTORNEY

By:

  
KATHLEEN L. TORRES  
Assistant United States Attorney

Encl  
KLT/klt

1961 Stout Street, Suite 1100  
Drawer 3608  
Denver, Colorado 80294

(303) 844-3885

FAX 844-0096

DENVER FIELD OFFICE

R DEC 10 1992 D  
RECEIVED



U.S. Department of Justice

United States Attorney  
District of Colorado  
Civil Division

November 20, 1991

DeAnn Owen, Esq.  
Office of the Regional Solicitor  
Dept. of the Interior  
Box 25007  
Denver, CO 80225-0007

Re: Kaiser (Coal) Bankruptcy  
Case No. 87-B-01552 E (Bankr. Colo.)

Dear DeAnn:

It is my pleasure to inform you that we have received and deposited to OSMRE's account a payment from Kaiser Coal of \$34,127.90. You will receive under separate cover from our financial litigation unit a copy of the deposit papers so your agency can confirm the credit.

The priority payment of \$217,675.68 is not due until priority payments commence. We understand there are sufficient funds to cover the priority claims (although if my DOJ client is ultimately granted priority treatment, I'm not certain about that). We will be in touch.

Very truly yours,

MICHAEL J. NORTON  
UNITED STATES ATTORNEY

By: 

J. GREG WHITEHAIR  
Assistant U.S. Attorney

JGN/ss

cc: William G. Pharo (w/o enc.)

P.S. Also enclosed is the floppy disk you sent us. Thanks for being so helpful with that process.

633 17th Street  
Suite 1600  
Denver, CO 80202

(303) 294-1300

FTS 330-1300

BAX 294-7187

FTS 330-7187

**RECEIVED**  
 MAR 19 1990  
 DIVISION OF SURFACE MINING  
 DENVER FIELD OFFICE  
 DENVER, COLORADO

**FILED**  
 UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF COLORADO  
 UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF COLORADO  
 JAN 26 1990  
 BOSTON, Clerk  
 DEPUTY CLERK

**RECEIVED**  
 JAN 29 1990  
 DIVISION OF SURFACE MINING  
 DENVER FIELD OFFICE  
 DENVER, COLORADO

In Re

KAISER STEEL CORPORATION,

Case No. 87 B 01552 E

et al.

(Jointly Administered)

Debtor(s)

**AMENDED PROOF OF CLAIM FOR RECLAMATION FEES**

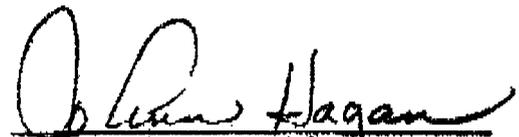
1. The undersigned, who resides at Denver, Colorado, is the agent of the Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior, Washington, D.C., and is authorized to make this proof of claim on behalf of the claimant.
2. The debtor, Kaiser Coal Corporation, was, at the time of the filing of the petition initiating this case, and still is, liable to this claimant in the sum of \$233,837.18. (See Attachment A).
3. The ground of liability for this debt is as follows: Reclamation fees, interest and penalties through February 11, 1987, owed pursuant to 30 U.S.C. § 1232 and 30 C.F.R. Part 970, on coal production from the debtor's mines.
4. No judgment has been rendered on this claim.
5. The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.
6. This claim is not subject to any setoff or counter-claim.
7. No security interest is held for this claim.

8. This claim is for an excise tax, and therefore is a priority claim under 11 U.S.C. § 507(a)(7)(E).

\$233,837.18  
TOTAL AMOUNT CLAIMED

Name of Creditor: Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior

Date: January 11, 1990



John Hagan, Chief AML  
Fee Collections Branch  
U.S. Department of the  
Interior, OSMRE  
P.O. Box 25065, DTC  
Denver, CO 80225  
(303) 236-0368 or FTS  
776-0368

ON BEHALF OF COUNSEL FOR CREDITOR

Respectfully submitted,

MICHAEL J. MORTON  
Acting United States Attorney



J. GREG WHITEHAIR  
Assistant U.S. Attorney  
1200 Byron G. Rogers Federal  
Building, Drawer 3615  
1961 Stout Street  
Denver, CO 80294  
Telephone: (303) 844-2064

RECEIVED JAN 11 1990

ATTACHMENT A

## ABANDONED MINE LAND RECLAMATION FEES - KAISER COAL CORPORATION

Mine ID No.: 4200092.01.U

2nd Quarter 1986	Fees	\$25,227.00
	Interest	6,800.92
	Penalties	5,093.13
3rd Quarter 1986	Fees	\$14,562.90
	Interest	3,632.35
	Penalties	2,731.44
4th Quarter 1986	Fees	\$ 8,816.70
	Interest	1,768.65
	Penalties	1,520.34

Mine ID No.: 4200093.01.U

2nd Quarter 1986	Fees	\$60,462.45
	Interest	16,300.01
	Penalties	12,254.83
3rd Quarter 1986	Fees	\$26,013.60
	Interest	6,488.43
	Penalties	4,879.15
4th Quarter 1986	Fees	\$27,155.25
	Interest	5,447.42
	Penalties	4,682.61

Total Due		<u>\$233,837.18</u>
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CERTIFICATE OF MAILING

I hereby certify that on the 26<sup>th</sup> day of January, 1990, a true and correct copy of the foregoing AMENDED PROOF OF CLAIM FOR RECLAMATION FEES was mailed, postage prepaid, to:

Harrie F. Lewis, Esq.  
Sherman and Howard  
633 - 17th Street, suite 3000  
Denver, CO 80202

Kaiser Coal Corporation  
P.O. Box 1107  
Raton, New Mexico 87740

Harry M. Sterling, Esq.  
Stephen G. Smith, Esq.  
303 East 17th Avenue, Suite 1110  
Denver, CO 80203

*Steve Spontina*  
Office of the U.S. Attorney

CERTIFICATE OF HAND DELIVERY

I hereby certify that on the 26<sup>th</sup> day of January, 1990, a true and correct copy of the foregoing AMENDED PROOF OF CLAIM FOR RECLAMATION FEES was hand-delivered to:

United States Trustee  
1845 Sherman Street, Room 300  
Denver, CO 80203

*Steve Spontina*  
Office of the U.S. Attorney