



0046 United States Department of the Interior
 OFFICE OF SURFACE MINING
 Reclamation and Enforcement
 BROOKS TOWERS
 1020 15TH STREET
 DENVER, COLORADO 80202

JAN 29 1985

Mr. Chris Shingleton
 Utah Power and Light Company
 P.O. Box 899
 Salt Lake City, Utah 84110

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 DIVISION

Dear Mr. Shingleton:

The Office of Surface Mining (OSM), Western Technical Center has reviewed the issue of the Deer Creek Mine access road relative to permit area requirements. Our review considered verbal comments expressed in our meeting of January 4, 1985. OSM finds that the Deer Creek Mine access road, as specified in the Deer Creek Mine permit application package, substantively meets the definition of a public road as outlined in 30 CFR 761.5 and the Utah Division of Oil, Gas and Mining (DOG M) public roads policy adopted on January 27, 1984.

The above finding is based on the current ownership, use, and maintenance of the access road, and the December 30, 1983, opinion of Administrative Law Judge Torbett vacating certain road violation issues in Virginia. A change in permit boundary to include the road would result in no change in performance standards and no increase in environmental protection. OSM and DOGM have therefore concluded that there is no need to change the permit boundary to include the access road.

Based on this conclusion, the second item of OSM's December 20, 1984, deficiency letter should be disregarded. All other permit application deficiency issues as outlined in our letter of December 20, 1984, remain applicable. If you have any questions, please call Louis Hamm or Walter Swain at (303) 844-3806.

Sincerely,

Richard E. Dawes
 for Allen D. Klein
 Administrator
 Western Technical Center

cc: Robert Hagen, OSM - Albuquerque Field Office
 Dianne Nielson, DOGM
 Mary Boucek, DOGM
 Bill Zeller
 Morgan Moon
 Jim Atwood
 Bob Wilkey
 Val Payne