

Therefore, DOE agreed to plug according to the prevailing regulations. At that time, CB-1 was not with the KPLA, but due to the redesignation of the area, CB-1 now falls subject to R-111-P plugging requirements. Moreover, the DOE commits to plug in this manner in the WIPP CCA. The plugging configuration of CB-1 should not be subject to any controversy.

Another source of confusion is the current use of CB-1 as a hydrologic test well. Clearly, CB-1 is no longer a hydrocarbon well (because it was a “dry-hole”, it actually never was). Therefore, identification of the appropriate regulating body is not necessarily straightforward. The New Mexico State Engineer’s Office regulates water rights, protection, and usage. Since CB-1 is now used to sample water, and spans several water-bearing intervals, it may be appropriate that the State Engineer remain involved in the use, maintenance, and final plugging of CB-1. In addition, since CB-1 is no longer a hydrocarbon well, the BLM and the NMOCD may have limited authority. The question to be answered is, “once a potential hydrocarbon is determined as a dry-hole, when does their involvement cease?” The most likely answer to this question is at permanent plugging and abandonment, which, according to NMOCD regulations, must be performed within a 90 days after 1 year of inactivity.