



ENERGY CONSERVATION &  
MANAGEMENT DIVISION

# Energy, Minerals, and Natural Resources

Radioactive Waste Consultation Task Force Update

N E W M E X I C O



Energy, Minerals and Natural Resources Department

Eletha Trujillo  
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# The Task Force Mission

Mission of the New Mexico Radioactive Waste Consultation Task Force (Task Force):

- Represents the interests of the State of New Mexico regarding the safe and uneventful transportation of nuclear and radioactive waste in and through New Mexico.
- Program: Under the Energy, Minerals, and Natural Resources Department's leadership, and through the Radioactive Waste Consultation Task Force, eight state agencies collaborate on the New Mexico Waste Isolation Pilot Plant (WIPP) Transportation Safety Program.
- The Task Force coordinator, through the WIPP Working Group, manages and implements the New Mexico WIPP Transportation Safety Program. The program includes the setting and updating of policies and operation procedures; training and equipping emergency responders along all New Mexico WIPP shipping routes; keeping the public informed on radioactive materials issues; monitoring and maintaining highway safety on New Mexico WIPP shipping routes; and inspecting all WIPP shipments at their point of origin or at the New Mexico ports of entry.

# FY25 Task Force Recent Activities

The Task Force held its annual meeting in October 2024.

- Introduce the new Task Force Chair and new departments.
  - Secretary Kenderdine – Task Force Chair
  - Indian Affairs Department
  - Department of Homeland Security and Emergency Management
  - State Land Office
- Submitted comments to the DOE on the Legacy Transuranic (TRU) Waste Definition Plan.
  - Requested that the DOE use the existing “legacy TRU waste” definition that LANL uses:
    - Legacy Waste Definition: Any contaminated material or waste generated before October 1, 1999, from past nuclear weapons research and production.
    - Types of Legacy Waste: This includes low-level waste, mixed low-level waste, and TRU waste.

## Task Force Recent Activities cont.

- The Plan will be developed in consultation with generator/storage sites and stakeholders per DOE Order 144.1A.
- The DOE should only include U.S, defense related TRU waste prior to 1999 and the opening of the WIPP.
- The DOE must prioritize the cleanup of LANL within the LTWDP as indicated in the permit (Part 4, Section 4.2.1.4), and specifically cleanup of Material Disposal Area (MDA) C, G, and buried waste.
- Identify a process to track legacy TRU waste destined for disposal at WIPP and at least provide an annual report on progress in the prioritization of legacy TRU waste disposal at WIPP.
- Include notice in the Plan that some legacy waste will not be disposed of in New Mexico (WIPP-2).

# Timeline for Legacy TRU Waste Disposal Plan

November 4, 2024: The Legacy TRU Waste Disposal Plan was submitted to the New Mexico Environment Department.

November 4, 2024: January 3, 2025: A 60-day public comment period was initiated.

January 3, 2025: The 60-day public comment period ended.

February 2, 2025: The deadline for continuing to receive comments.

May 21, 2025: Letter sent from NMED to DOE- CBFO requesting improvements to the Plan.

Ongoing: The plan includes provisions for engaging with stakeholders and generator/storage sites, including consultation activities initiated within 90 days of the permit's effective date (November 3, 2023).

[https://wipp.energy.gov/Library/TRUwaste/LTWDP\\_FactSheet\\_Draft5\\_20240723.pdf](https://wipp.energy.gov/Library/TRUwaste/LTWDP_FactSheet_Draft5_20240723.pdf)

# WIPP Working Group

## Current Activities:

- Closing year three of five in our five-year cooperative agreement with DOE.
- The agreement funds four state departments: EMNRD, NMED, DOH, and DPS.
- \$1.5 million requested for fiscal year 2026.
  - Replacing rad detection equipment for NMSP-CVE, fire services, and hospitals.
  - WIPPTREX 2025 with City of Raton and Colfax County.
  - Participating departments include EMNRD, NMED, DOH, DPS, Miner's Colfax Medical Center (MCMC), Cardinal Health, Colorado State Patrol, Trinidad Fire.



Commercial Vehicle Enforcement officer conducting an inspection



DOH and NMED training at Miner's Colfax Medical Center – students are wearing PPE while conducting a survey on a potentially contaminated patient

# Drone Image of the City of Santa Fe WIPP Exercise – October 2023



Photo courtesy NMSP Drone Pilot team – Officer Valle

# Shipment: January 1 – May 13, 2025

## Shipper Site

- Argonne National Laboratory
- Idaho National Laboratory
- Los Alamos National Laboratory
- Lawrence Livermore National Laboratory
- Oak Ridge National Laboratory
- Savannah River Site

## Shipments to WIPP

- 0
- 54
- 13
- 0
- 3
- 11
- 81





## Other Items of Interest

The U. S. Supreme Court (SCOTUS) is currently weighing a case concerning a proposed nuclear waste storage site in Andrews County, Texas, near the New Mexico border.

- Texas is challenging the Nuclear Regulatory Commission's (NRC) approval of the facility, arguing it shifts long-term responsibility for the waste onto the state and that the NRC lacks the authority to approve such a large-scale, potentially permanent storage site.
- The case raises questions about the meaning of "temporary" storage and the NRC's role in managing nuclear waste.
- A decision is expected as early as June.
- Potential impacts to New Mexico's position on storage of spent nuclear fuel (SNF).

# Detailed Timeline

**2016:** ISP first applied for a federal license to build a storage facility in West Texas.

**2021:** The NRC approved and licensed the facility.

**August 2023:** A three-judge panel of the Fifth Circuit Court of Appeals ruled against ISP and vacated the license.

**March 2024:** The Fifth Circuit en banc (full court) sustained the three-judge panel's ruling.

**October 2024:** The Supreme Court accepted the case and consolidated it with the Holtec International case, also concerning a similar facility.

**March 5, 2025:** The Supreme Court heard oral arguments.

**End of June 2025:** The Supreme Court is expected to issue its decision, which may extend into early July.

# Upcoming Activities

- Federal Facilities Task Force meeting in Santa Fe – June 4-5, 2025
- WIPP Transportation Exercise in Raton – October 2025
- Task Force Annual Meeting in Santa Fe/online – October 2025
- Future meetings include the Western Interstate Energy Board (WIEB) High Level Radioactive Waste Committee and WIPP Technical Advisory Group (TAG) fall meeting in Carlsbad – November 2025

# Contact Information

Eletha Trujillo

Bureau Chief - Hazardous Waste Planning

[Eletha.Trujillo1@emnrd.nm.gov](mailto:Eletha.Trujillo1@emnrd.nm.gov)

Carrie DeAguero

Program Coordinator/Fire Services Lead

[Carrie.DeAguero@emnrd.nm.gov](mailto:Carrie.DeAguero@emnrd.nm.gov)

Tim Yackey, EMT-I

WIPP/Hazardous Materials Medical

Preparedness Coordinator

[Tim.Yackey@doh.nm.gov](mailto:Tim.Yackey@doh.nm.gov)

Bobby Lopez

Environmental Scientist III

[Bobby.Lopez@env.nm.gov](mailto:Bobby.Lopez@env.nm.gov)

Jarrod Burnside

Training and Development Specialist/Law

Enforcement Lead

[Jarrod.Burnside@emnrd.nm.gov](mailto:Jarrod.Burnside@emnrd.nm.gov)



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