

# Los Angeles Times

CIRCULATION  
11,851 DAILY 150,000 SUNDAY

TUESDAY, FEBRUARY 8, 1994  
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DAILY 35¢  
DESIGNATED AREAS HIGHER



Rescuers evacuate Kent and Debbie Knudsen from the second floor of their flooded home at Big Rock and Pacific Coast Highway in Malibu. **BOB CAREY / Los Angeles Times**

## COLUMN ONE Fallout From Toxic Beagle Experiments

■ **Davis residents feel betrayed by how nuclear tests occurred at kennels. Radiation has leaked into the air and ground.**

By RICHARD C. PATRICK  
TIMES STAFF WRITER

DAVIS, Calif. — The radioactive beagles are long gone, their frozen carcasses hauled off to a nuclear waste dump in Washington state along with 140 tons of radioactive dog waste.

Their legacy, however, has galvanized residents of this environmentally conscious college town, which declared itself a "nuclear free zone" a decade ago. After all, this is a community where the bicycle is king, recycling is a popular pastime and smoking is banned even in downtown sidewalk.

But on the edge of the U.C. Davis campus about two miles out of the city, an unannounced ghost town of empty kennels, deserted research laboratories and aging landfills surrounded by barbed wire.

The secluded Department of Energy facility, where U.C. scientists fed beagle radioactive chow in a 30-year study of nuclear fallout, is so toxic that it is proposed for listing as a federal Superfund site.

Revelations over the past five years that the facility has emitted radiation and contaminated ground water have left some neighbors feeling betrayed by the university and the government.

A lot of people gave the university. **Please see BEAGLES, A18**

## Storm Unleashes Mud on Malibu, Altadena

■ **Weather: Biggest downpour of winter intensifies traffic headaches. Muck pours into homes, winds batter coast.**

By ERIC MALNIC  
and KATHLEEN KELLEHER  
SPECIAL TO THE TIMES

Intense downpours from the most powerful storm of the winter lashed the fire-denuded hillsides of Southern California on Monday, setting loose mudslides that surged through beachfront houses in Malibu and briefly trapped a dozen residents in Altadena.

Winds gusted to 50 m.p.h. as the main force of the storm marched onshore, rocking outlying areas with thunderclaps. A waterspout was reported off Santa Barbara, and cyclonic winds touched down in San Valley and in Orange County.

Commuter traffic—already crippled by earthquake detours—slowed to a crawl in many areas as low lying intersections flooded and vehicles skidded into one another on rain-slicked streets. Officials said several major mountain highways probably would be blocked with heavy snow by dawn today.

Cloudbursts drenched Caltrans crews laboring around the clock to repair quake damaged freeways, soaked through temporary patches on roofs battered during the Jan. 17 temblor and made life a little more miserable for the earthquake refugees still huddled in temporary shelters.

The potent core of the storm began moving ashore about 2 p.m. and within an hour, hillslides that were stopped bare in last fall's devastating brush fires began to slide away.

In Malibu, water, mud and rocks continued down the canyons to the sea, invading homes and blocking portions of Pacific Coast Highway

between Topanga Canyon Boulevard and Malibu Canyon Road.

A deluge of debris washed out of Big Rock Canyon Road and across Pacific Coast Highway, sloshing against about a dozen houses and scattering half a dozen cars and trucks like sandbox toys.

Homeowners and emergency crews struggled through the muck, trying to plug makeshift dikes with sandbags. But despite their efforts, mud began seeping into shorefront homes and about 15 houses farther

**Please see WEATHER, A3**

## U.S. Considers Ultimatum on Sarajevo Arms

By DOYLE McMANUS  
TIMES STAFF WRITER

WASHINGTON—The Clinton Administration and its European allies are moving toward a decision to lift the siege of the Bosnian capital, Sarajevo, by demanding the removal of all artillery from the city and surrounding territory and enforcing the demand with military power, senior U.S. and European officials said Monday.

President Clinton's top foreign policy advisers have prepared a U.S. proposal for the North Atlantic Treaty Organization that centers on an ultimatum to all forces in the Sarajevo area to give up their heavy weapons, including the Serbian artillery that has pounded the city for months, killing hundreds of civilians.

The plan, which also includes options for air strikes and other military action to enforce the ultimatum, was presented to President Clinton late Monday night in Shreveport, La., by National Security Adviser Anthony Lake, a White House official said.

If Clinton approves the plan, as his aides expect, the United States will present it at a NATO meeting in Brussels on Wednesday.

In another step toward military action, Britain—which had argued against NATO air strikes—said that it is now convinced that some use of force is probably necessary. "The balance of risk and benefit has changed," Foreign Secretary Douglas Hurd said, adding that the allies have moved "a step forward toward using force."

France and Germany also joined in support of air strikes or other action against the Serbian guns. The European Union, which in

**Please see BOSNIA, A6**

## Clinton's Budget Tops \$1.5 Trillion, Reduces Red Ink

■ **Economy: The plan cuts 115 programs and trims defense and domestic spending—it includes a deficit of \$176 billion, down from projections of \$302 billion.**

By JAMES RISEN, TIMES STAFF WRITER

WASHINGTON—President Clinton on Monday unveiled an austere federal budget for fiscal 1996 that calls for elimination of 115 long-established programs, significant reductions in defense and domestic outlays and only slight increases for the Administration's top priorities.

The Administration's \$1.52-trillion budget is designed to advance the President's agenda within the modest bounds permitted by tough new spending caps while still meeting the deficit reduction targets included in the economic plan passed by Congress in August.

Yet the funding shifts and program curtailments it proposes are certain to provoke bitter struggles among affected interest groups and their allies in Congress. Liberal Democrats already are accusing Clinton of failing to honor his campaign promises to reverse the effects of 12 years of Republican rule and reinvigorate social spending.

Clinton, speaking to a business group in Houston, said that the budget demonstrates that "we mean business" about bringing down the federal deficit. "It's the toughest budget on spending cuts that Congress has yet seen," the President declared.

The White House estimates that its budget will leave the government with a deficit of \$176 billion in the fiscal year beginning Oct. 1, down from \$235 billion this year. Next year's projected shortfall is far below the \$302-billion estimate made a year ago.

The numbers could change yet again. The budget reflects very little of Clinton's health care and welfare reform initiatives, which will be dealt with in separate legislation. Those programs could significantly alter the spending and deficit outlook.

Leon E. Panetta, director of the **Please see BUDGET, A14**

## Budget Office's Health Ruling Called Damaging

By DAVID LAUTER  
and KAREN TUMULTY  
TIMES STAFF WRITERS

WASHINGTON—The Congressional Budget Office plans to rule that the entire Clinton Administration health reform package should be treated as a new government program, not a private insurance plan, dealing the White House a potentially devastating political setback, Administration and congressional sources said Monday.

The ruling by CBO Director Robert D. Reischauer, to be announced in congressional testimony today, has been the subject of

■ **LITTLE IMMIGRANT AID**  
Clinton's budget targets virtually no funds to pay for services to illegal immigrants. **A3**

feverish speculation and intense Administration lobbying for more than two months.

Since late last week, a host of senior White House officials have contacted Reischauer and his top aides to try to talk him out of his **Please see REFORM, A16**

## 6.4 Million Acres to Be Designated Tortoise Habitat

By FRANK CLIFFORD  
TIMES ENVIRONMENTAL WRITER

The federal government announced Monday that it will designate 6.4 million acres of desert, most of it in California, as critical habitat for the threatened desert tortoise, a move that could limit activities ranging from cattle grazing and mining to construction of the Ward Valley low-level nuclear waste dump.

An area almost as large as the habitat prescribed in the Pacific Northwest for the Northern spotted owl—which was the biggest such designation ever—the land earmarked for the tortoise takes in parts of four states and encompasses a host of activities, including off-road-vehicle recreation, military maneuvers and, increasingly, rural real estate development.

The proposed Ward Valley site is

in one of 12 non-contiguous zones, ranging in size from about 42,600 acres to just over 1 million, that make up the 6.4 million acres. The critical-habitat designation will go into effect in 30 days.

The California Department of Health Services, which supports construction of the Ward Valley dump, had opposed its inclusion within the critical habitat. In addition, members of the California Cattlemen's Assn. and other groups representing miners, off-road-vehicle users and real estate developers, expressed objections to its boundaries, which take in parts of Arizona, Utah and Nevada.

But opponents of the Ward Valley site, who sued to force the government to establish the critical habitat for the tortoise, declared the designation a major victory.

**Please see TORTOISE, A20**

## Saga of Apple's Ex-Chief Takes an Unusual Turn

■ **Business: John Sculley quits as Spectrum chairman, alleging deceit. He sues executive who hired him.**

Just a year ago, Sculley was

## Crime Summit Opens With Call for Tougher Penalties

■ **Law enforcement: Government begins with emotional memorial to victims. Sessions have political overtones.**

### INSIDE TODAY'S TIMES

#### JAPAN COALITION SAVED

Japanese Premier Morihiro Hosokawa averted a collapse of his coalition government by temporarily scrapping a tax hike to pay for an income tax cut. **A8**

#### HEART ATTACK THERAPY



TORTOISE: Large Area for Habitat

Continued from A1
The U.S. Fish and Wildlife Service decided that protecting Ward Valley was more important than constructing a nuclear dump in an area considered essential to the survival of the threatened tortoise.

Opponents believe that language of the federal critical habitat rule—which prohibits destruction or adverse modification of the tortoise habitat—outlaws construction of the dump.

Our confidence stems from the language which makes it crystal clear you can't go in and tear up 80 to 90 acres of prime habitat, let alone exposing the animals to radioactive contamination," said Philip M. Klasky the coalition's coordinator.

Government spokesmen, however, pointed out that while the habitat ruling sets a new standard of protection for the tortoise, focusing on preservation of its burrows and its food sources, it does not automatically ban various activities, such as construction of the nuclear waste dump.

Critical habitat doesn't prohibit anything," said David Klinger, a provision officer with the Fish and Wildlife Service. "It could have the effect of limiting a certain project." Since 1979 there have been 114,000 consultations regarding proposed activities within areas designated as critical habitat. Only 13 projects were halted.

The Ward Valley site, about 20 miles from the Colorado River in the eastern Mojave Desert, would take low level radioactive waste from nuclear power plants, hospitals, biotechnology companies and other commercial users of radioactive material. Although California already has issued a license to US Ecology Inc. to operate the dump, it cannot be constructed until the federal government, which owns the site, transfers it to the state.

Last November, under heavy pressure from political opponents of the Ward Valley site, Interior Secretary Bruce Babbitt postponed the transfer until California courts could rule on a lawsuit contending that the state had failed to hold a hearing on health and safety matters before issuing the license.

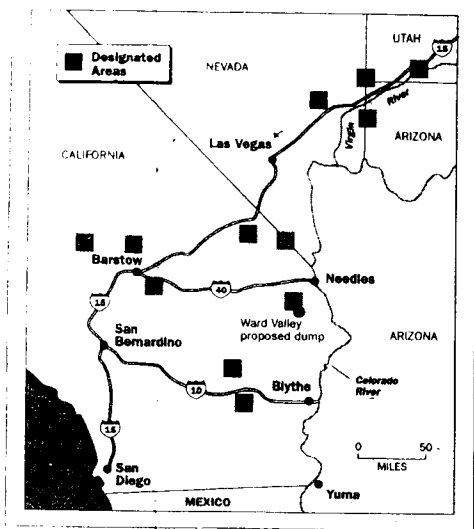
On Monday, a Los Angeles Superior Court judge ruled that the state was not obliged to hold the hearing. Babbitt, who still plans to hold his own hearing, could not be reached for a comment. "The critical habitat rule is an outgrowth of the Endangered Species Act of 1973. Since then, there have been habitat designations for 103 species, 85% of them animals.

The desert tortoise was placed under the act's protection as a threatened species in 1990 after a study by the U.S. Bureau of Land Management found its population had declined by as much as 50%, during the previous six years. One government biologist estimated that the population had declined in some areas from 1,000 per square mile in the 1970s to as few as 20 per square mile.

Government scientists blame the soaring mortality rate on a variety of factors, including a mysterious upper respiratory tract infection, raven attacks on young tortoises and people shooting them or driving over them. Many deaths also are attributed to habitat loss as a result of growing real estate development in desert communities. Mining, cattle ranching and the recreational use of off-road vehicles also are blamed for some habitat destruction.

Desert Designation

The federal government has designated 6.4 million acres of desert, touching four states but mostly in California, as critical habitat for the threatened desert tortoise. The land, divided into 12 sections ranging from about 42,000 acres to more than 1 million acres, encompasses the proposed Ward Valley nuclear dump site.



MATT MOODY / Los Angeles Times

The decline of the species potentially affects other animals as well, since the tortoise provides food for the desert kit fox, coyote, bobcat and golden eagle. The tortoise's burrows become shelter for snakes, lizards and small rodents and are nesting sites for the burrowing owl.

The tortoise, which is the California state reptile, can grow to a length of about 12 inches and live up to 50 years. While the critical-habitat designation places a heightened emphasis on protecting the tortoise's burrows and the vegetation it eats, critics of the government's action say that as soon as the tortoise was declared a threatened species, severe economic hardships resulted.

"Once they listed the tortoise [as threatened], they told us we couldn't use motor vehicles to maintain the pipelines we use to supply water to cattle and wildlife," said Dave Fisher, a Barstow rancher. Fisher was referring to water systems on federal land that ranchers may use for grazing cattle and sheep.

In addition, said Fisher, ranchers were ordered to keep their stock away from certain types of vegetation favored by tortoises. "The overall effect has been to take about half the economic gain out of our operations," Fisher said. "The irony of it is that the turtles have done better around cows than they have in the Desert Tortoise Natural Area," he added, referring to a desert preserve near Mojave

where officials concede the tortoise has suffered a severe decline. Under the critical-habitat ruling just announced, government officials said, any decisions to ban or limit activities in the designated area will be made on a case-by-case basis. Predicting what the government will do in a given instance is difficult, considering the mixed signals from various agencies.

With Ward Valley, for example, the Fish and Wildlife Service ruled in 1990 that the proposed dump would not further jeopardize the species. Wildlife officials said that was because US Ecology Inc. was willing to move tortoises from any excavation site and to erect nearly eight miles of fencing along roadways to keep the animals from being run over.

Steve Romano, US Ecology vice president, said Monday he was confident the firm's plans for removing and protecting the tortoises would pass muster, even with a stricter standard for habitat protection. "Our view," said Romano, "is that our mitigation proposals will result in a net benefit to the species and that we have nothing to fear from the new rule."

But a draft of a tortoise recovery plan prepared by the Fish and Wildlife Service and issued last March calls for the prohibition of landfills "and any other surface disturbance that diminishes the land to support desert tortoises, other wildlife and native vegetation."

Even within federal agencies with jurisdiction over the desert, not all officials agree. "Ward Valley will take up about 75 acres in an area that has almost 1 million acres of prime tortoise habitat," said a government biologist who asked not to be identified. "Even with the dump there, the area has the capability of far exceeding recovery goals."

OBITUARIES

ANGELL, Kathleen Gallagher Mrs. Angell is a direct descendant of the Dillon, Keating and Gallagher families who were early settlers in the San Gabriel Valley. She was born in San Gabriel, California, on February 1, 1904. She was a member of the St. Vincent de Paul Society. Services to be held at 10 a.m. Tuesday, February 8, 1994, at the St. Vincent de Paul Church, 1330 N. 10th St., Burbank. Burial in the St. Vincent de Paul Cemetery, 1330 N. 10th St., Burbank. Family contact: Kathleen Gallagher, 1330 N. 10th St., Burbank, CA 91504. (818) 251-1111.

BALDWIN, Angela passed away on February 6, 1994. She was born in Los Angeles, California, on February 1, 1914. She was a member of the St. Vincent de Paul Society. Services to be held at 10 a.m. Tuesday, February 8, 1994, at the St. Vincent de Paul Church, 1330 N. 10th St., Burbank. Burial in the St. Vincent de Paul Cemetery, 1330 N. 10th St., Burbank. Family contact: Angela Baldwin, 1330 N. 10th St., Burbank, CA 91504. (818) 251-1111.

BISHOP, Dorothy beloved mother of Audrey Bishop Plante and Mary Lynn (Joseph) Drucker. Grandmother of Michael (Debbie), Richard (Diana) and Terry Drucker. Devoted great-grandmother of Scott, Alexander and Alana Drucker. Survived by a brother, Irving Brich. Services will be held on Tuesday, February 8, 1994, at Hillside Memorial Park, 12200 Hillside Dr., Van Nuys, CA 91411. (818) 709-1111.

BLAIR, Margaret C. Services to be held 1:30pm, Thursday, February 10, 1994 at the Church of the Resurrection, Forest Lawn Glendale. Funeral Home: Forest Lawn Glendale. (818) 249-1111.

BOWEN, Alan resident of North Hollywood passed away on February 6, 1994. He was born in Los Angeles, California, on February 1, 1914. He was a member of the St. Vincent de Paul Society. Services to be held at 10 a.m. Tuesday, February 8, 1994, at the St. Vincent de Paul Church, 1330 N. 10th St., Burbank. Burial in the St. Vincent de Paul Cemetery, 1330 N. 10th St., Burbank. Family contact: Alan Bowen, 1330 N. 10th St., Burbank, CA 91504. (818) 251-1111.

CHEN, June beloved wife of Raymond Chen. Services to be held at 10 a.m. Tuesday, February 8, 1994, at the St. Vincent de Paul Church, 1330 N. 10th St., Burbank. Burial in the St. Vincent de Paul Cemetery, 1330 N. 10th St., Burbank. Family contact: June Chen, 1330 N. 10th St., Burbank, CA 91504. (818) 251-1111.

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KIRBY: Creator of Comic Book Super-Heroes

Continued from A3
Jack Kirby's "comic book" by Roy Williams was titled "Captain America hit really big." Kirby told "The Times" in 1991, "It was then that my publisher knew that super heroes were going to be a big commodity. It was also when I really started to enjoy life." He and Simon also succeeded with another wartime comic, "Boy Commandos."

Jack Kirby Educational Fund, Temple Btz Chaim, 1090 Janss Road, Thousand Oaks, Calif. 91380.

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