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in Lake Superior

3 States Ask Court to Halt Dumping in Lake Superior

By GLADWIN HILL

Special to The New York Times

WASHINGTON, Oct. 1 — Steel Corporations, produces 16 per cent of the country's iron ore. It has challenged adverse medical testimony against its discharges and has said that the conversion would cost more than \$100-million.

Michigan, Minnesota and Wisconsin asked the Supreme Court today to order an immediate end to the Reserve Mining Company's dumping of iron ore waste into Lake Superior, on the ground that thousands of people were being daily exposed to cancer-causing contaminants in drinking water.

The Environmental Protection Agency, the leading plaintiff in prolonged litigation against the company, did not join in the request. Agency officials said that this was solely because of a legal technicality and that the Government could file a separate appeal.

The states filed their motion with Associate Justice Harry A. Blackmun, who has jurisdiction over the eighth Federal circuit. The motion seeks to vacate a lower court's indefinite stay of an order to the mining company to stop its daily discharge of 67,000 tons of tailings into the lake.

Tailings Contain Asbestos

The tailings, some ground to microscopic size, contain, among other pollutants, asbestos, which in some circumstance has been found to induce cancer. According to medical evidence reported in recent weeks, even household relatives of people exposed excessively to asbestos can develop the disease.

After five years of Federal proceedings against the company, the United States District Court in Minneapolis ordered the plant shut until it could convert to on-land waste disposal. The company refinery is at Silver Bay, 56 miles east of Duluth, Minn.

The company, a joint venture of the Armco and Republic

The United States Court of Appeals for the Eighth Circuit last June 4 granted the company a 70-day stay of the shutdown order. The full Supreme Court refused on July 11 to alter the stay. On Aug. 28, the Appeals Court made the stay indefinite.

'Irreparable Harm' Seen

The motion today accused the company of being "in default" on numerous court stipulations. It was based on supposed health hazards feared from the indefinite stay.

"The continued exposure of children and babies to carcinogens [cancer-causing substances] in the water they drink and the air they breathe begins a process that 20 or 30 years from now may take their lives," the motion said. "The situation clearly presents the irreparable harm and compelling circumstances which this court has indicated are factors justifying vacation of stay orders."

Alan G. Kirk 2d, the Environmental Protection Agency's top legal officer, said the Department of Justice, which has represented the agency in the litigation, refrained from joining in the petition now because it felt that the formal legal record was incomplete. He said United States District Judge Miles Lord, who issued the original shutdown order, had been on circuit assignments and had not had a chance to sign certain orders called for in the subsequent court rulings.