

Mines For Tourists May Be Outside Law

By The Associated Press

In the wake of an emerald tourist mine accident that killed two men, federal and state mine inspectors admit they don't know whether mine safety laws apply to tourist-type mines.

James Richard Draedyn, 51, of Plantation, Fla., and Delmas Joseph Harrison, 26, of Belmont, N.C., were killed Sunday by a cave-in at the Emerald Valley Mine at Hiddenite.

A third man, Robert Lebowitz of North Miami Beach, Fla., was partially buried and had to be dug out by rescuers.

They were among an estimated 10,000-15,000 amateur prospectors who dig for minerals each year in open pits for \$4 a day, according to Lois Rist, the mine's owner.

It is unclear whether mine safety laws cover the circumstances of their deaths, federal and state officials said Monday.

"These tourist-type operations make it sort of difficult. This is kind of a gray area," said Bill Booher, director of the state Department of Labor's office of communications.

"The law does not provide for penalties unless there was willful and flagrant criminal negligence," he said.

He said mine owners are encouraged by state inspectors to post signs warning amateurs of possible dangers, but there is no legal provision for enforcing such measures.

The Department of Labor's Mine and Quarry Inspection Division is responsible for state mine inspections and division inspectors were at the cave-in site Sunday afternoon and Monday.

Two federal investigators from the U.S. Department of the Interior's Mining Enforcement Safety Administration (MESA) at Salisbury also were on hand.

Investigators from both offices said the laws they enforce deal primarily with employe safety in commercial mining operations.

To complicate the investigation, Booher said. Lebowitz, the only apparent witness to the cave-in, left the state and was in Virginia Monday.

Booher said he had word that Lebowitz would

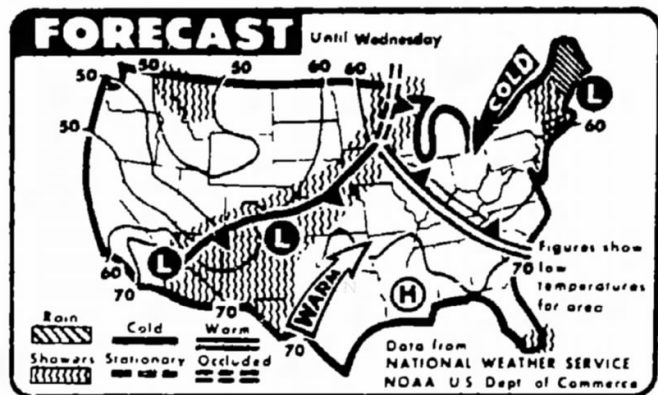
return to North Carolina Wednesday to answer questions.

James Brandon, head of the state's mine and quarry inspections, said inspecting amateur operations like the Emerald Valley Mine are largely exercises in futility.

"With this kind of operation," he said, "you could inspect one day and with a backhoe you could dig a hole by the next day that would be dangerous. Every inspection of a mine we make, we find some deficiencies.

"The question boils down to what they're doing up there — mining or hobbying?" he continued. "God knows, we can't keep up with every rockhound in the country. They're everywhere."

The Weather



Sunny Skies

Sunny skies are expected over the state, including the Triad area, through Wednesday

Area forecasts call for mostly sunny weather, but not as warm or humid.

The high today was to have

Tuesday's.

Probability of precipitation is near zero tonight and 10 per cent on Thursday.

TEMPERATURES

24 hours ending 7 a.m. EST
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