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October 4, 2010

Mr. Ray H. Darling, Jr.
Executive Secretary OSHRC
One Lafayette Centre
1120 20th Street, N.W.
Suite 980
Washington, DC 20036-3419

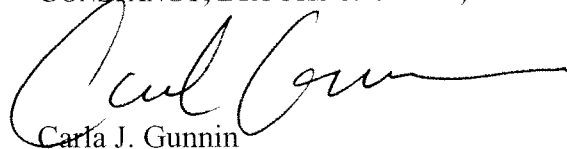
RE: Secretary of Labor v. SeaWorld of Florida, LLC
OSHRC Docket No. 10-1705; Region IV
Inspection No. 314336850
SOL Case No. 10-09014

Dear Mr. Darling:

Enclosed for filing in the above-referenced matter you will the original and one copy of Respondent's Answer. Once you have file-stamped the copy would you please return it to me in the self-addressed stamped envelope provided.

Sincerely,

CONSTANGY, BROOKS & SMITH, LLP



Carla J. Gunnin

CJG:mmv

Enclosures

cc: John A. Black (w/encls.)

ORIGINAL

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,)
)
Complainant,)
)
 v.)
)
SEA WORLD OF FLORIDA, LLC,)
)
Respondent.)

OSHRC DOCKET NO.
10-1705

Citation 314336850

ANSWER

FIRST DEFENSE

1. Respondent denies the allegations contained in the unnumbered, prefatory paragraph of the Complaint.

2. Respondent admits the allegations contained in paragraph I of the Complaint.

3. Respondent admits the allegations contained in paragraph II of the Complaint.

4. With respect to the allegations contained in paragraph III of the Complaint, Respondent admits that at the times mentioned in the Complaint, Respondent was an employer engaged in business as an amusement park, and that its principal place of business is 6600 Sea Harbor Drive, Orlando, Florida. Respondent denies each and every other allegation in this paragraph.

5. Respondent admits that it maintained a workplace at 7007 Sea Harbor Drive, Orlando, Florida, on or about February 24, 2010 through August 23, 2010, but denies the other allegations contained in paragraph IV of the Complaint.

6. With respect to the allegations contained in paragraph V of the Complaint, Respondent admits that an inspection was conducted by an authorized representative of Complainant, and that Complainant issued three Citations and Notifications of Penalty thereafter. Respondent denies each and every other allegation raised in paragraph V of the Complaint, and further denies any allegations contained in said Citations and Notifications of Penalty.

7. With respect to the allegations contained in paragraph VI of the Complaint, Respondent acknowledges that copies of the Citations issued to Respondent in this case were attached to the Complaint as Exhibits A, B and C, and that the content of the Citations speaks for itself. Respondent denies that it violated the Act, or any standard or regulation promulgated under the Act, and thus denies any other allegations contained in this paragraph or in said Citations and Notifications of Penalty.

8. With respect to the allegations contained in paragraph VII of the Complaint, Respondent admits that in a letter dated August 23, 2010, it timely notified Complainant that Respondent contested the aforementioned Citations and Notifications of Penalty. Respondent denies any other allegations contained in paragraph VII of the Complaint.

9. With respect to the allegations contained in paragraph VIII of the Complaint, Respondent acknowledges that the Citations attached to the Complaint as Exhibits A, B and C set forth the penalties proposed by OSHA and the abatement dates proposed by OSHA, but denies that the penalties proposed and the abatement dates fixed are or were reasonable, and further denies each and every other allegation contained in said paragraph of the Complaint.

10. Respondent denies each and every allegation in the Complaint that has not been specifically admitted herein.

SECOND DEFENSE

To the extent that any conduct giving rise to the Citations and Notifications of Penalty that is the subject of this action violated the Act, Respondent asserts its good faith efforts to comply with the Act as an affirmative defense to the Citations, proposed penalties, and Complainant's characterization of Respondent's conduct as serious violations of the Act.

THIRD DEFENSE

Compliance with the cited standard provision would have exposed employees to a greater hazard than noncompliance.

FOURTH DEFENSE

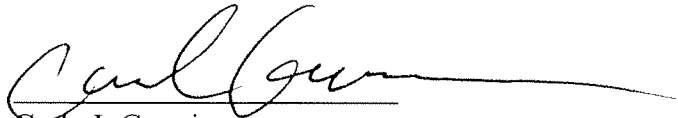
Compliance with the cited standard provision was not economically and technologically feasible for the work space, process, and type of work performed.

RESERVATION OF DEFENSES

Respondent reserves the right to amend or to add other defenses that may arise after Respondent has engaged in discovery.

Dated this 4th day of October, 2010.

Respectfully submitted,



Carla J. Gunnin
Attorney for Respondent

CONSTANGY, BROOKS & SMITH, L.L.C.
Suite 2400
230 Peachtree Street
Atlanta, Georgia 30303-1557
(404) 525-8622

CERTIFICATE OF SERVICE

I, Carla J. Gunnin , hereby certify that on this date I served a copy of the foregoing

Answer on counsel for Complainant via United States Mail to the following address:

John A. Black
Attorney
U.S. Department of Labor
Office of the Solicitor
61 Forsyth Street, S.W.
Room 7T10
Atlanta, Georgia 30303

This 4th day of October, 2010.


Carla J. Gunnin

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