SERVED: July 1, 1997

NTSB Order No. EA-4566

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 1st day of July, 1997

BARRY L. VALENTINE, Acting Administrator, Federal Aviation Administration, Complainant, v. DAVID KELSEY, Respondent.	Docket SE-14391

ORDER DENYING STAY

Respondent has requested a stay of NTSB Order EA-4514, served January 8, 1997, pending disposition of a petition for review to be filed in the U.S. Court of Appeals.[1] The request must be denied.

On May 29, 1997, the Board, in Order EA-4550, dismissed as untimely a petition respondent had filed for reconsideration of Order EA-4514. Because the reconsideration request was not timely, it did not operate to stay the effective date of Order EA-4514. A stay pending judicial review is not available from the Board after its order has gone into effect. See 49 CFR 821.64(b).

ACCORDINGLY, IT IS ORDERED THAT:

The request for a stay of Board Order EA-4514 is denied.

Daniel D. Campbell
General Counsel

[1] In EA-4514, the Board affirmed a 30-day suspension of respondent's airman certificate for low flight in the area of Arches National Park.