

SERVED: July 30, 2008

NTSB Order No. EA-5399

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

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 29th day of July, 2008

ROBERT A. STURGELL,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-17829
v.)	
)	
DONALD C. ROUNDS,)	
)	
Respondent.)	
)	

ORDER DENYING RECONSIDERATION

Respondent seeks reconsideration of our decision in NTSB Order No. EA-5359, served January 31, 2008, in which we denied his appeal of the law judge's order affirming the Administrator's order suspending respondent's airline transport pilot certificate for 120 days, based on violations of 14 C.F.R. §§ 91.13(a)¹ and 91.111(a).²

On consideration of the petition for reconsideration and the Administrator's response, we have concluded that the petition,

¹ Prohibiting operation of an aircraft in a careless or reckless manner so as to endanger the life or property of another person.

² Prohibiting operation of one aircraft so close to another as to create a collision hazard.

emphatic as it is, essentially repeats arguments previously considered and rejected, and neither establishes error in our original decision nor otherwise presents a valid basis for reconsidering it.³ Further, to the extent respondent may be considered to have presented new matter, he fails to explain why such new matter, if any, could not have been discovered in the exercise of due diligence prior to the closing of the evidentiary record.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is denied.

ROSENKER, Chairman, SUMWALT, Vice Chairman, and HERSMAN, HIGGINS, and CHEALANDER, Members of the Board, concurred in the above order.

³ Repetitious petitions for reconsideration are not "entertained by the Board, and will be summarily dismissed." See § 821.50(d).