



## **Malibu-Mirage Owners & Pilots Association**

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October 26, 2010

Mr. Mark Rumizen  
Federal Aviation Administration  
Engine & Propeller Directorate (ANE-100)  
12 New England Executive Park  
Burlington, MA 01803

Re: Comments on Proposed AC 20-24C

Mr. Rumizen,

I represent the nearly 1000 members of the MMOPA, who have a keen interest in the near term development and certification of an unleaded aviation gasoline to replace 100LL. Our Piper Malibu/Matrix/Mirage aircraft all use turbo supercharged engines that would be adversely impacted in performance, utility, and value by a replacement avgas that is not similar in operational characteristics to the current 100LL. More specifically, the operating limitations associated with an inadequate solution such as 94UL would devastate our fleet.

My background in aviation includes successful certification of several modifications for the PA-46 series aircraft, as well as ground and flight testing associated with reconfigurations of high performance aircraft engines, including measurement of detonation characteristics.

I have read the existing AC 20-24B and the proposed revision AC 20-24C, and offer the following comments for consideration:

- 1) Section 2, paragraph b, last sentence, contains language that is a departure from prior Advisory Circulars is fundamentally flawed. It states, "If we find that following this AC would not result in compliance with the applicable regulations, we will not be bound by this AC, and we may require additional substantiation as the basis for finding compliance." What is the purpose of even issuing an AC if the applicant cannot depend on its very nature of being a means of demonstrating regulatory compliance. The FAA appears to be trying to have it both ways here – offer guidance, but not stand behind it. I say that this is fundamental because it relates back to the who issue of rule of law. We either depend on our laws and regulations to guide civil and commercial activity, or the public is subject to the will of individual government administrators and agencies, with the interpretation for compliance substantiation being different from person to person, region to region, and time to time. This is not workable. It will dramatically and

negatively impact the progress of aviation technology and investment once those with capital realize that there is not certainty in the approval process. This is a slippery slope that we must not explore.

- 2) This change in policy invites rulemaking by subjective interpretation of Advisory Circulars. That issue has been addressed thoroughly in the past (see “Rulemaking by AC” ADM-7D from 1997, by Doug Anderson, FAA Regional Counsel). The subject is also addressed in Section 5-1 of Order 1320.46A, “Advisory Circular System,” which states, “ACs are not regulations and may not impose or lessen a burden on anyone, nor have a mandatory effect. ACs may not be used to add to, interpret, or relieve a duty imposed by a FAR.”
- 3) Section 4c inappropriately sites as reference OMB Circular A-119 and the use of voluntary consensus standards, which in this case I read to mean the ASTM. Any requirement for an applicant to seek consensus among a voluntary industry group composed of competitor and conflicting interests is a dead end. This will stifle innovation and development of exactly what the general aviation industry needs. Only the most well-funded, patient, and naïve applicants will determine that this is a prudent strategy for product development, knowing this potential roadblock lies ahead.
- 4) Similarly, section 5b makes the statement that there is historical precedent for outsourcing its responsibilities to industry consensus groups like ASTM. In this case, I would point out that the existing guidance in this area, AC 20-24b, contains no such reference. This is not historical. It is new territory.
- 5) Section 6b2, last 2 sentences, assumes the applicant has agreed to seek and use an ASTM specification, which is not a regulatory requirement. Where is the guidance here? In this respect, the proposed revision C is inferior to existing guidance in revision B.
- 6) Section 6c1 crosses the line by creating a regulation by requiring an applicant to first present a specification for their oil or fuel from a third party. The applicant has the right to define his own fuel/oil specification and demonstrate that the specification is sufficient to establish conformity for testing and demonstrating compliance.
- 7) Section 6c4b (same issue again) contains additional testing requirements that cannot be backed up by current regulations. If the E&PD feels that the regulations are inadequate, then the legal means to address this is to revise the regs, not to use the AC to avoid due process of law.
- 8) Section 7b2, comment 5 above applies here as well.
- 9) Section 7b3, comment 5 above applies here as well.
- 10) Appendix 1, Section 3b, Flight Testing. More rulemaking here. No regulatory requirement to substantiate this.

#### General Comments:

I am very discouraged to see this document offered as an improvement over existing policy in AC 20-24B. It appears to be driven by the desire to outsource as much of the FAA’s approval responsibilities as possible to others, to the detriment of applicants. Its constant references to ASTM and others is a dramatic departure for which I can find no basis in the FARs, therefore, it

is a subversion of the law. Whatever the motivation is within the E&PD, it is self-serving and not in the interests of the general aviation industry.

Industry consensus groups such as the ASTM, SAE, and even the coalition of aviation groups such as AOPA, NBAA, EAA, etc, certainly have their place in the process of getting a suitable unleaded fuel to the market in a reasonable time frame. But they have no ability to invent, develop, or certify a product. Their appropriate role is implementation once a solution has been found and approved!

I respectfully request that the proposed AC 20-24C be withdrawn or substantially revised to address the numerous concerns expressed herein. In the mean time, applicants should be able to count on the existing guidance offered by AC 20-24B to pursue their certification projects with the full support of the FAA's certification offices and staff.

Sincerely,

A handwritten signature in black ink that reads "Jonathan R. Sisk". The signature is written in a cursive, flowing style.

Jonathan R. Sisk, President & Ombudsman  
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