

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.762

National Policy

Effective Date:

1/13/26

Cancellation Date:

1/13/27

SUBJ: Termination of LODAs Issued Under 14 CFR § 91.319(h) and Introduction of New LODA Regulation 14 CFR § 91.326(b)

1. Purpose of This Notice. This notice replaces notice N 8900.727, dated December 13, 2024. This notice announces changes to regulations and guidance related to flight training, checking, and testing in aircraft holding experimental and limited category airworthiness certificates. This notice also informs inspectors of a revision to the A115 template in the Safety Assurance System (SAS) Operations Safety System (OPSS) that must be issued to all current holders of Letter of Deviation Authority (LODA) A115 (HQ Revision: 010 is replacing HQ Revision: 00a). This notice announces revised Federal Aviation Administration (FAA) Order 8900.1, Volume 3, Chapter 11, Section 1, Issue a Letter of Deviation Authority to Conduct Flight Training, Checking, or Testing for Compensation or Hire in Aircraft Issued Limited Category or Experimental Airworthiness Certificates, guidance associated with issuance of the new LODA A115 (HQ Revision: 010). This notice also provides a letter to be used by the responsible Flight Standards office as formal notification to all holders of LODA A115, HQ Revision: 00a. Finally, this notice provides additional information related to the issuance of new LODAs for current LODA holders.

2. Audience. The primary audience for this notice includes General Aviation Safety Assurance (GASA) Operations aviation safety inspectors (ASI). The secondary audience includes GASA Airworthiness ASIs and the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background. On October 2, 2024, the FAA revised Title 14 of the Code of Federal Regulations (14 CFR) §§ 91.315 and 91.319(a) and (h) (as well as other parts of 14 CFR § 91.319) and published new 14 CFR § 91.326, Exception to Operating Certain Aircraft for the Purposes of Flight Training, Flightcrew Member Checking, or Flightcrew Member Testing. Previously, 14 CFR § 91.319(h) authorized the FAA to issue a LODA for the purpose of flight training in experimental aircraft; however, operators of limited category aircraft were required to obtain an exemption. Title 14 CFR § 91.326 replaces the former § 91.319(h) and provides a new regulatory pathway and requirements to offer flight training, checking, and testing in both limited category and experimental aircraft.

5. Changes to Guidance. Order 8900.1, Volume 3, Chapter 11, Section 1 has been completely revised, and significant changes have been made to align with new regulatory requirements. Inspectors must utilize the new guidance to ensure that all applications, including those from current LODA holders seeking amendments or renewals, are in compliance with the new 14 CFR § 91.326.

6. Renewal or Amendment of Current LODAs. Inspectors must not renew or amend LODAs issued under 14 CFR § 91.319(h). Prior to any amendment or renewal, holders of current LODAs must comply with 14 CFR § 91.326 by sending a new application package, including a training program that meets the requirements of the new rule, as described in the new guidance.

Inspectors are prohibited from “grandfathering,” amending, or renewing previously issued LODAs or training programs. The new regulatory requirements will likely require modifications to previously authorized training programs, including removal of certain elements that may no longer be permissible under the new rule (see Order 8900.1, Volume 3, Chapter 11, Section 1, Table 3-29, Eligible Experimental Purposes; Table 3-30, Acceptable Training Programs; Table 3-31, Training Program Details; and Paragraph 3-299, Application Details, subparagraphs H, I, M, N, and O for examples of new or changed LODA requirements).

7. Termination of Current LODAs. LODAs issued under 14 CFR § 91.319(h) will be terminated on December 1, 2026, in accordance with 14 CFR § 91.326(d). To continue flight training, checking, or testing in an experimental aircraft after December 1, 2026, holders of LODAs issued in accordance with 14 CFR § 91.319(h) must submit a new application in accordance with the requirements set forth in 14 CFR § 91.326(b), detailed in Advisory Circular (AC) 91-94, Application and Issuance Process for a Letter of Deviation Authority Issued in Accordance with 14 CFR § 91.326, and be issued a new LODA A115 (HQ Revision: 010).

8. Notification of Termination to Current LODA Holders. Inspectors must inform all current LODA holders of the mandatory termination date and new application and program requirements using the letter provided in this notice.

9. Limited Category Exemption Holders. Prior to the new rule, 14 CFR § 91.315 prohibited operators of limited category aircraft from providing flight training, testing, and checking. As such, the FAA granted exemptions to enable these operations. The new rule revises 14 CFR § 91.315 to enable operators of limited category aircraft to obtain a LODA in accordance with 14 CFR § 91.326. Exemptions will remain valid until their expiration dates but will not be renewed. Exemptions will no longer be issued for these purposes. Operators who hold a flight training exemption for limited category aircraft must apply for and be issued a new LODA to continue flight training, testing, or checking upon expiration of the exemption. Exemption holders will receive a separate letter from the Operations Group (AFS-830) informing them of the new requirements. (These changes to regulations do not affect Living History Flight Experience (LHFE) exemption holders.)

10. Revision to A115. The A115 template in SAS OPSS has been completely revised. Inspectors must use the new A115 (HQ Revision: 010), effective immediately, for all LODA issuances. Inspectors may not amend, issue, or reissue the old A115 (HQ Revision: 00a) for any reason. Holders of the old A115 (HQ Revision: 00a) are authorized to operate in accordance with that LODA until December 1, 2026, unless superseded by a new LODA.

11. Action.

a. Notify LODA Holders. Notify all current LODA holders using the letter provided in Appendix A, Notification of Termination of LODA. Record the activity in the Safety Assurance System (SAS) using Activity Recording (AR) activity code 1222.

- (1) For the “National Use” field, select “LODA” from the dropdown list.
- (2) For the “Location” section, enter the location of the operation (airport identifier).
- (3) For the “Personnel and Equipment” section, select “Add New Personnel” and input the name of the Responsible Person.
- (4) For the “Other” section, enter “Notification” in the “Tracking” field.

b. Process LODA Applications. Process all new, revised, or renewed LODA applications in accordance with Order 8900.1, Volume 3, Chapter 11, Section 1 utilizing the new LODA A115 (HQ Revision: 010).

12. Disposition. The content of this notice is applicable until the regulatory termination date of December 1, 2026. Direct questions or comments concerning the information in this notice to the AFS-830 manager at 9-AFS-800-Correspondence@faa.gov.



Hugh Thomas
Acting Executive Director, Flight Standards Service

Appendix A. Notification of Termination of LODA



U.S. Department
of Transportation

**Federal Aviation
Administration**

[Date]

[Name]

[Title]

[Street Address]

[City, State, ZIP Code]

Dear [Name]:

Effective December 1, 2026, your Letter of Deviation Authority (LODA) to conduct flight training in experimental aircraft will terminate in accordance with Title 14 of the Code of Federal Regulations (14 CFR) § 91.326(d)(4).

On October 2, 2024, the FAA published a final rule with an effective date of December 2, 2024. This final rule amends the operating rules for conducting flight training, checking, and testing in limited category and experimental aircraft. Newly adopted 14 CFR § 91.326(b) replaces former 14 CFR § 91.319(h) and establishes the requirements to apply for a LODA to conduct flight training, checking, and testing in experimental and limited category aircraft, and establishes new conditions and limitations to conduct such operations.

Title 14 CFR § 91.326(d) includes a mandatory termination date for all LODAs issued under 14 CFR § 91.319(h). To continue flight training, checking, or testing in an experimental aircraft after December 1, 2026, current LODA holders must submit a new application in accordance with the requirements set forth in 14 CFR § 91.326(b). If you wish to make changes or amendments to your currently issued LODA prior to December 1, 2026, you will be required to bring your entire program into full compliance with 14 CFR § 91.326 for all operations. Current LODA holders are encouraged to submit an application in a timely manner to avoid interruption of operations.

Compliance with the new rule may require significant modifications to your current program, including removal of certain elements that may no longer be permissible under the new rule. You may reference Advisory Circular (AC) 91-94, Application and Issuance Process for a Letter of Deviation Authority Issued in Accordance With 14 CFR § 91.326, for a full description of changes and regulatory requirements. The National Transportation Safety Board (NTSB) has identified accidents related to exploitation of 14 CFR § 119.1(e) exceptions by carrying revenue passengers for purposes other than student instruction or training flights. LODAs will not be issued to enable sightseeing or experience rides under the guise of flight training.

We recommend that you carefully review the operating limitations that were issued as part of your experimental Airworthiness Certificate(s). Previous LODAs contained a provision that effectively granted relief from certain aircraft operating limitations. This relief is no longer available under the new LODA process. If the Airworthiness Certificate contains operating limitations that would preclude LODA operations, you must apply for an amended Airworthiness Certificate prior to applying for the LODA. For example, some Airworthiness Certificates contain an operating limitation that states, “Carriage of persons or property for compensation or hire is prohibited.” If operating limitations contain this or similar prohibitions, the Airworthiness Certificate will need to be amended prior to issuance of a LODA under 14 CFR § 91.326. LODAs will not be issued for aircraft that contain this or similar prohibitive language in the aircraft operating limitations.

Should you have any questions or require further assistance, please do not hesitate to reach out to our office at [contact information].

Sincerely,

[Signature]
[Name]
[Title]