MILITARY EXEMPTION AUTHORIZATION (MEA) #P060924000000A12345001

SFTE AU ARH 24 September 2006

TO ABC Lasers, Incorporated

 ATTN:

 9 Akira Way

 Londonderry, NH 03053

SUBJECT: AUTHORIZATION TO DELIVER PROTOTYPE/EXPERIMENTAL XYZ INFRARED RANGEFINDER TARGET DESIGNATOR (ILRFTD) FOR TEST AND EVALUATION PER FDA EXEMPTION No. 76EL-01DoD

1. In accordance with Food and Drug Administration (FDA) Exemption No. 76EL‑01DoD the Prototype/Experimental XYZ ILRFTD, being used exclusively by the DOD, and designed for combat, combat training, or classified in the interest of national security, manufactured under contract DAAB08-03-C-H006, limited to five units, is exempted from requirements of the FDA radiation safety performance standards prescribed in the Code of Federal Regulations (CFR), Title 21, Chapter 1, Subchapter J, Parts 1040.10 and 1040.11 in order to meet military test and evaluation requirements.

2. Any modification to the XYZ ILRFTD (including material components, physical design, or laser output characteristics), or deviation from the scope defined in the table below require the manufacturer to obtain a new exemption authorization letter.

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| **Parameter** | **Description** |
| **Contract #** | DAAB08-03-C-H006 |
| **Product Name** | Prototype/Experimental XYZ Infrared Laser Rangefinder Target Designator (ILRFTD) |
| **Model #** |  |
| **Serial #(s)** |  |
| **Lot #(s)** |  |
| **DoD Service(s)** | US Army |
| **Org./Unit** |  |
| **Quantity** | (5 maximum) |
| **Delivery Dates** |  |
| **Other Limits to Authorization** | Systems delivered under this contract are limited to test & evaluation activities on an Army laser range only. |

3. Upon delivery of the XYZ ILRFTD(s) to this office and prior to any test and evaluation activities, a laser hazard evaluation of the laser system(s) is to be performed by the US Army Institute of Public Health (AIPH), Laser/Optical Radiation Program (L/ORP). This evaluation will include classification of the laser, and nominal ocular hazard distances and eye protection requirements if any exist.

4. The evaluation will also include a review of the performance requirements of Code of Federal Regulations (CFR), Title 21, Chapter 1, Subchapter J, Parts 1040.10, and 1040.11 to determine system compliance with this Federal regulation and how these requirements impact the military operational requirements of the XYZ ILRFTD system.

5. This office in conjunction with the AIPH L/ORP will verify and/or determine which of the Federal performance requirements must be met and those which cannot be met due to the XYZ ILRFTD’s operational use.

6. The Federal performance requirements verified and/or determined by AIPH L/ORP that cannot be met by the XYZ ILRFTD due to its operational use, are therefore exempt, and will be reported by this office to ABC Lasers, Incorporated. If none are reported then the XYZ ILRFTD must meet all of the Federal requirements.

7. Prior to delivery of any laser devices outside the scope of this notification, such laser(s) must either comply with all Federal requirements and be registered by ABC Lasers, Incorporated as such with the FDA; or if exempt from specific performance requirements, a letter listing these exempted requirements and rationale for noncompliance will be authored by this office to ABC Lasers, Incorporated. The manufacturer is then required to meet all of the design requirements for exempt lasers as outlined in Military Standard 1425A or as approved by this Service laser safety authority.

8. In addition to any other labeling requirements, an exempted laser product is required to have labeling permanently affixed to the device housing with the information provided below (or alternate wording if approved by the applicable Service laser safety authority):

**CAUTION**

**This electronic product has been exempted from FDA radiation safety performance standards prescribed in the Code of Federal Regulations, Title 21, Chapter 1, Subchapter J, under exemption No. 76EL-01DoD issued on July 26, 1976. Use this product only with adequate protective devices or procedures. Do not sell or transfer outside the DoD.**

9. The point of contact for questions pertaining to this authorization is LTC John Q. Doe, (353) 466-7899, john.q.doe@us.army.mil, Product Manager, Aviation, Armed Reconnaissance Helicopter, Attn: SFTE AU ARH, Building 5681, Redstone Arsenal, AL 35898‑5000.

 Sincerely,

 John Doe

 Manager

 PM Aviation

CF: (w/encl)

AIPH (MCHB-IP-ONR)