

INFORMATION REDACTED PURSUANT TO THE FREEDOM  
OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

**From** [REDACTED]  
**Sent:** Friday, January 22, 2021 12:31 PM  
**To:** TIS, NHTSA (NHTSA) <[TIS@dot.gov](mailto:TIS@dot.gov)>  
**Subject:** New TIS requests from NHTSA.gov

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am writing to follow up on an issue that I submitted to the NHTSA on January 14<sup>th</sup>, 2021 regarding a powertrain defect that results in a safety hazard (sudden engine stall while driving) for owners of Subaru Outback and Forrester models made in 2010 & 2011.

Inexplicably (and, in my opinion, unconscionably) Subaru was not required to issue a recall for the defective components that result in the safety hazard, but rather extended their warranty, which meant that owners of Subaru vehicles with this defect were advantaged/disadvantaged arbitrarily, depending on whether the faulty components happened to fail within the warranty extension period.

I have attached all relevant documents here for your review, including a Technical Service Bulletin that Subaru issued to their dealerships where the engineering flaw related to the defective component was admitted to by Subaru.

To put a fine point on that – Subaru has discontinued the use of the defective component due to an engineering flaw that they have acknowledged and the repair of this issue requires installation of a completely different part with different engineering – so this isn't simply an issue of a component exceeding its anticipated useful life, but rather an issue of a component with a known flaw failing in a manner that they know that it will likely fail, but where Subaru is accepting no responsibility to remediate the flaw.

Before commencing any research though, can you tell me approximately how many hours the review would be likely to take? I want to make sure that the cost of the review won't exceed the cost of the \$2,000.00 repair that Subaru has quoted me to replace the defective component with the reengineered replacement component.

Thanks and best regards,

[REDACTED]

-----  
Request Date: January 22nd 2021, 12:06:24 pm  
-----

CONSUMER INFORMATION:

Name: [REDACTED]  
Company: NA  
Address: [REDACTED]  
City: Brentwood, TN [REDACTED]

Email [REDACTED]  
Phone [REDACTED]

REQUESTED DOCUMENTS: COMPLAINT(S)

=====

NHTSA ID NUMBER: 11388185

COMPONENTS: POWER TRAIN

- ATTENTION:**
- GENERAL MANAGER
  - PARTS MANAGER
  - CLAIMS PERSONNEL
  - SERVICE MANAGER

IMPORTANT - All Service Personnel Should Read and Initial in the boxes provided, right.

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QUALITY DRIVEN® SERVICE

**SERVICE BULLETIN**

**APPLICABILITY:** 2010-15 Legacy/ Outback 2.5L NA CVT  
 2015 Legacy/ Outback 3.6L NA CVT  
 2012-15 Impreza 2.0L NA CVT  
 2013-15 Crosstrek 2.0L NA CVT  
 2014-15 Crosstrek Hybrid CVT  
 2014-15 Forester 2.5L NA CVT  
 2014-15 Forester 2.0L Turbo CVT  
 2015 WRX 2.0L Turbo CVT

**NUMBER:** 16-107-17

**DATE:** 06/21/17

**SUBJECT:** CVT Warranty Extension

**INTRODUCTION:**

In the interest of customer satisfaction, Subaru of America, Inc. (SOA) is extending the New Car Limited Powertrain Warranty coverage for the Continuously Variable Transmission (CVT) on the above listed models and model years from the original five (5) years or sixty thousand (60,000) miles (whichever comes first) to ten (10) years or one-hundred thousand (100,000) miles (whichever comes first). This change is not in response to any specific condition, rather it is to provide customers with added assurance regarding the function and overall performance of their CVT. Additionally, vehicles which are more than ten (10) years old or beyond one-hundred thousand (100,000) miles at the time customer notification letters are mailed are being offered additional coverage for a period of one-year from the date of the customer notification letters. A copy of the customer letter is attached to this bulletin as reference.

**NOTE: ALWAYS perform a Vehicle Coverage Inquiry on Subarunet to determine eligibility for this warranty extension before proceeding with any inspection or repair.** See sample inquiry result below.

| EXTENSIONS |        |               |              |                |                 |             |        |
|------------|--------|---------------|--------------|----------------|-----------------|-------------|--------|
| COVERAGE   | REASON | ADDT'L MONTHS | ADDT'L MILES | EFFECTIVE DATE | EXPIRATION DATE | UPDATE DATE | USER   |
| WC         | CVT    | 60            | 40,000       | XX XX          | XX XX           | XX XX       | SADMIN |

*Continued...*

**CAUTION: VEHICLE SERVICING PERFORMED BY UNTRAINED PERSONS COULD RESULT IN SERIOUS INJURY TO THOSE PERSONS OR TO OTHERS.**

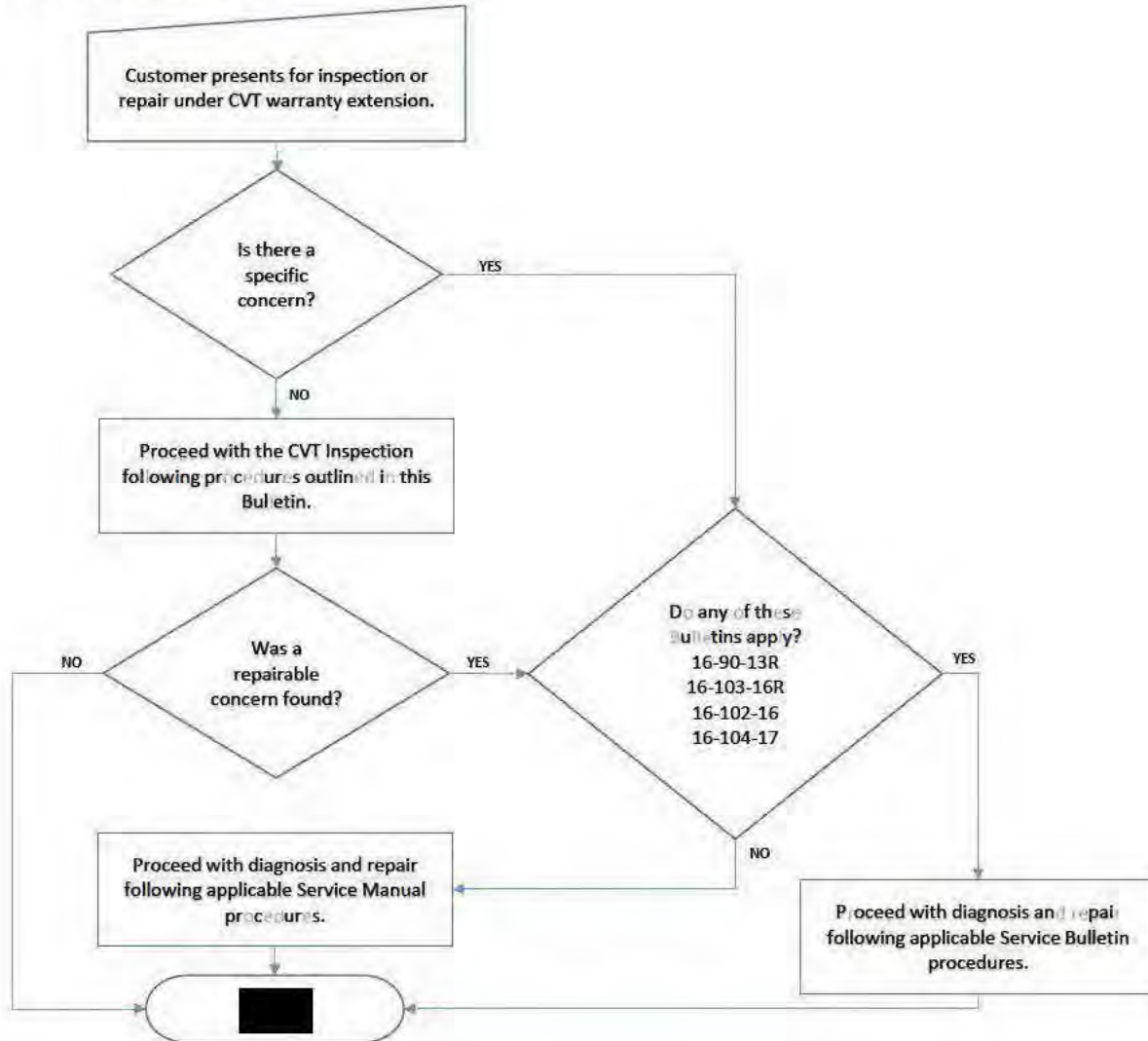
Subaru Service Bulletins are intended for use by professional technicians ONLY. They are written to inform those technicians of conditions that may occur in some vehicles, or to provide information that could assist in the proper servicing of the vehicle. Properly trained technicians have the equipment, tools, safety instructions, and know-how to do the job correctly and safely. If a condition is described, DO NOT assume that this Service Bulletin applies to your vehicle, or that your vehicle will have that condition.

**SUBARU OF AMERICA, INC. IS ISO 14001 COMPLIANT**

ISO 14001 is the international standard for excellence in Environmental Management Systems. Please recycle or dispose of automotive products in a manner that is friendly to our environment and in accordance with all local, state and federal laws and regulations.

**IMPORTANT:** The CVT warranty extension is subject to the same terms and conditions set forth in the New Car Limited Powertrain Warranty. The CVT warranty extension is only applicable to the original equipment CVT and Genuine Subaru replacement CVT assemblies including those remanufactured by Subaru of America, Inc. It does not apply to salvage yard CVTs, rebuilt salvage vehicles, or CVTs which have been overhauled, remanufactured or rebuilt by parties other than those approved by Subaru of America, Inc. See individual vehicle Powertrain Warranty coverage for details as outlined in the applicable Warranty and Maintenance Supplement booklet or the Claims Policies and Procedures guide.

## SERVICE PROCEDURE



## References:

- 16-90-13R- 2010-2012MY Legacy and Outback Models- Design Change to Lock-Up Torque Converter- Customer may experience sensation like coming to a stop in a manual transmission equipped vehicle and failing to depress the clutch.
- 16-103-16R- 2010-2015MY All Models equipped with TR690 CVT- Transmission Fluid Seepage- CVTF seepage accumulates under torque converter case. Source is leak from CVT oil pump chain cover due to gasket material sealing failure.

- 16-102-16- All Models- P0841 Secondary Oil Pressure Sensor Performance Diagnostics
- 16-104-17- 2015MY Legacy and Outback- “Bump” Feeling from CVT at Idle in Drive- Customer may experience sensation like being “bumped” from behind by another vehicle.

## **CVT Repair and Replacement Policies**

### **8.4.33.1.3 Original CVT Transmission**

Effective August 1, 2011 the following component repairs are required to be performed to the vehicle’s original CVT Transmission when it is determined that such repairs will correct a failure:

- Torque Converter and seal, as long as it is not an internal failure that has contaminated the fluid
- Control Valve Body replacement as long as an internal failure has not contaminated the fluid
- Control Valve Body Harness
- Front Oil Pump Seal
- Output Clutch Control Valve Body (Hybrid vehicle)
- Drive Motor Assembly (Hybrid vehicle)
- Multi Plate Transfer Clutches (MPT)
- Mechanical Shifter and parking system components
- Valve Body and Pick Up Screen
- Secondary Oil Pressure Switch
- Inhibitor Switch
- Extension Housing Rear Seal
- Oil Inlet and Outlet Pipes
- Cooler Pipes
- Axles and seals
- All external sensors or switches
- Oil pressure test parts and drain plug
- Parking Pawl and spring

### **NOTES:**

- In the event more extensive repairs than those listed above are required, a remanufactured exchange unit must be used, except in the case of a “new” and “in-stock” vehicle.
- **Review Technical Service Bulletin 16-42-90R revised 09/03/15 for the proper cooler flushing procedure during replacement of any 4AT, 5AT, 6AT or CVT transmission. It is mandatory that the transmission cooler flush be supplied by SOA for all claims submitted to SOA for reimbursement.**

#### **8.4.33.1.4 Remanufactured CVT Transmission**

The following component repairs are required to be performed to the vehicle's remanufactured transmission when it is determined that such repairs will correct a failure:

- Torque Converter and seal, as long as it is not an internal failure that has contaminated the fluid
- Control Valve Body replacement as long as an internal failure has not contaminated the fluid
- Control Valve Body Harness
- Front Oil Pump Seal
- Output Clutch Control Valve Body (Hybrid vehicle)
- Drive Motor Assembly (Hybrid vehicle)
- Multi Plate Transfer Clutches (MPT)
- Mechanical Shifter and parking system components
- Valve Body and Pick Up Screen
- Secondary Oil Pressure Switch
- Inhibitor Switch
- Extension Housing Rear Seal
- Oil Inlet and Outlet Pipes
- Cooler Pipes
- Axles and seals
- All external sensors or switches
- Oil pressure test parts and drain plug
- Parking Pawl and spring

#### **NOTES:**

- In the event more extensive repairs than those listed above are required, a remanufactured exchange unit must be used, except in the case of a “new” and “in-stock” vehicle.
- Review Technical Service Bulletin 16-42-90R revised 09/03/15 for the proper cooler flushing procedure during replacement of any 4AT, 5AT, 6AT or CVT transmission. It is mandatory that the transmission cooler flush be supplied by SOA for all claims submitted to SOA for reimbursement.

#### **CVT Inspection:**

- The following may only be performed and claimed if the customer presents for a CVT inspection under the terms of the CVT warranty extension with no specific concern noted.
- If a specific concern was noted by the customer, follow the diagnostic flow found in the Service Procedure section of this bulletin.
- **NOTE:** The one-year and extended coverage will still apply regardless if this CVT inspection was performed or not. Coverage is not dependent upon these testing results. This option is made available for customers who request an inspection of their CVT after receiving the notification letter but have no specific concern with the function of the CVT.
- If the vehicle passes inspection now but fails later, coverage will be available if applicable.
- If the vehicle fails the inspection and is repaired, but fails later within the one-year coverage period, coverage under the warranty extension will be available if applicable. In such a case, Parts Warranty coverage may apply secondarily.

## INSPECTION PROCEDURES:

Perform Road Test, Stall Test, and Time Lag Test procedures as outlined in the applicable Service Manual. Document all outlined checks and test results on the repair order

- If no concerns are noted- **STOP- Submit a claim for inspection only using the labor operations listed in this bulletin.**
- If any concerns are noted, follow the remaining diagnostic flow shown in the Service Procedures section of this bulletin.
- If a concern is found requiring repair/ replacement, claim for the needed repair and diagnostic time, where applicable, using the Labor Time Guide (LTG). **DO NOT claim for this CVT inspection using the operation listed in this bulletin.** Use the Labor Time Guide (LTG) to claim for the specific repair times using the related LTG listed operations for diagnostic times where applicable.
- **DO NOT submit a claim using the coding found in this bulletin if a repair is performed or is planned to be performed.** Refer instead to the LTG for appropriate coding including diagnostic time where applicable.

## WARRANTY / CLAIM INFORMATION:

The New Car Limited Powertrain Warranty for CVTs on these vehicles is five (5) years or sixty thousand (60,000) miles. SOA is extending this original warranty for CVT coverage ONLY for an additional five (5) years or forty thousand (40,000) miles, whichever occurs first.

SOA will inform vehicle owners of this warranty extension via a customer letter. Customers whose vehicles are experiencing any concerns can schedule an appointment with an authorized Subaru retailer for a free inspection of their CVT. Should such an inspection result in no problem found, submit for reimbursement for the inspection only using the claim coding provided below.

All repairs performed within this warranty extension period should follow existing warranty procedures and be claimed using existing warranty coding as found in the Labor Time Guide (LTG).

**NOTE:** Inspection time is included in existing warranty times for most repairs. Diagnostic times may be claimed where applicable using the times listed in the LTG related to the specific repair performed.

| Labor Description   | Labor Operation # | Model / Labor Time                                  | Fail Code |
|---|-------------------|---|-----------|
| CVT WARRANTY EXTENSION, ROAD, STALL AND TIME LAG TESTING, INSPECTION ONLY, NO REPAIRS MADE* | B383-128*         | All EXCEPT Crosstrek HEV- 0.5<br>Crosstrek HEV- 0.6 | MFG-48    |

**\*This operation may not be used if any current or future repair is planned. In those cases, refer to the LTG for how to claim diagnostic time where applicable.**

**IMPORTANT REMINDERS:**

- SOA strongly discourages the printing and/or local storage of service information as previously released information and electronic publications may be updated at any time.
- Always check for any open recalls or campaigns anytime a vehicle is in for servicing.
- Always refer to STIS for the latest service information before performing any repairs.



**SUBARU**

Subaru of America, Inc  
Subaru Plaza  
PO Box 6000  
Cherry Hill, NJ 08034-6000  
800-782-2783  
www.subaru.com

June 2017

**Important Notice:**

**Warranty Extension for Continuously Variable Transmission (CVT) 2010-2015 Legacy/Outback, 2012-2015 Impreza, 2013-2015 Crosstrek, 2014-2015 Forester and 2015 WRX**

Dear Subaru Owner:

As part of Subaru's dedication to customer satisfaction, this letter is to inform you of an extension to the New Car Limited Powertrain Warranty for your vehicle's CVT. Subaru is implementing a CVT Warranty Extension program which extends warranty coverage for the CVT on the models listed above produced with CVTs and sold or leased in the United States.

Please note that this is not a recall, as it does not impact the safety of your vehicle. If your vehicle is operating as designed, you do not need to take your vehicle to a Subaru retailer for repairs.

**NOTE: No action is required by you to receive the benefit of this warranty extension. The extension has been automatically applied to your vehicle.**

**CVT Warranty Extension**

The CVT Warranty Extension extends the affected vehicle's original New Car Limited Powertrain Warranty against defects as it applies to the CVT.

**For all vehicles listed above:**

- A one year coverage period is available for all eligible vehicles listed above **regardless of mileage and warranty start date**, and is effective now through July 31, 2018.
- For vehicles that are more than ten (10) years old or have more than one hundred thousand (100,000) miles, inspections or repairs under this one year coverage period must be completed on or before July 31, 2018.

**For vehicles less than 10 years old with 100,000 miles or less after July 31, 2018:**

- The coverage period extends the vehicle's New Car Limited Powertrain Warranty as it applies to defects to the CVT to ten (10) years or one hundred thousand (100,000) miles (whichever occurs first).
- Inspections or repairs under this coverage period must be completed prior to the expiration of that ten (10) years or one hundred thousand (100,000) miles coverage period.

Only if you have a concern with your CVT would you need to schedule an appointment with an authorized Subaru retailer for a free inspection. The inspection will take approximately forty (40) minutes. However, it may be necessary to leave your vehicle for a longer time on the day of your scheduled appointment to allow your retailer flexibility in scheduling.

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## **Reimbursement Eligibility**

- You may be eligible for reimbursement if you paid to have your vehicle's CVT repaired or replaced following the expiration of the original New Car Limited Powertrain Warranty period of five (5) years or sixty thousand (60,000) miles, but before the newly extended warranty period of ten (10) years, one hundred thousand (100,000) miles.
- You must have paid an out-of-pocket expense for repair or replacement of the CVT. This includes any deductible expense or partial reimbursement for repairs.
- If you have been previously reimbursed by SOA or retailer for partial coverage of this repair, only the portion that has not been reimbursed is eligible for reimbursement.
- You are not eligible to recover any repair costs previously reimbursed or paid for by any third party including Subaru Added Security, other extended warranty providers, or an authorized Subaru retailer.

## **To Apply for Reimbursement**

Please apply for reimbursement online at: [www.cvtclaim.subaru.com](http://www.cvtclaim.subaru.com). Complete the online claim form and attach the required documentation listed below:

- **Attach a copy of the receipt or invoice for the repair.** A copy of the repair invoice or work order showing CVT repair and/or replacement will meet this requirement. The invoice must show your vehicle model, vehicle identification number (VIN), the name and address of the facility that completed the repair, the cost of the repair (parts and labor), and the date the work was completed.
- **Attach proof of payment**, such as a copy of the canceled check, bank statement, cash receipt, or credit card receipt showing that you paid for the repair.

If you prefer to apply for reimbursement by mail, please send a completed *Claim Reimbursement Form* and copies of the required documentation listed above to:

**Subaru of America Inc.  
CVT Warranty Extension  
Customer Retailer Services  
P.O. Box 6000  
Cherry Hill, NJ 08034**

Your request for reimbursement must be postmarked no later than **October 31, 2017**.

Please allow 6-8 weeks for the reimbursement to be processed. Failure to include proper documentation may delay your reimbursement.

If you have questions about this notice or need help contacting an authorized Subaru retailer, please contact the CVT Extension Hotline at 844-373-6622.

Sincerely,

Subaru of America, Inc.

January 14, 2021

To whom it may concern:

I am writing to inquire as to why Subaru was not required to issue a recall for a known defect – which has a significant safety implication - in the engineering of the CVT Torque Converter of their 2010-2012 Legacy and Outback models and to ask that they be required to do so.

Inexplicably, Subaru was allowed to address this critical defect by publishing a Technical Service Bulletin (TSB 16-90-13R) and extending the Powertrain Warranty for vehicles having this defect (NB – warranty extension has expired), rather than being required to initiate a recall to fix the defective and dangerous components. To be clear – the engineering defect was admitted to in their published TSB, the remediation of the problem is accomplished by replacing the defective component with a re-engineered “countermeasure” torque converter and the defective torque converter was abandoned in favor of the re-engineered torque converter on 10/1/2013.

The consequence of Subaru being allowed to “remediate” their defect in this manner is that there are vehicles on the road with a dangerous critical flaw – one that is completely known to Subaru no less – which Subaru has no obligation to repair.

I know this firsthand, as I recently purchased a 2011 Subaru Outback for my mother and it recently developed a condition where it stalls unexpectedly and the Subaru dealership just today informed me that the torque converter is failing and that it will cost \$2,000.00 to repair. Further, this issue arose three months after the same Subaru dealership performed a \$1,600.00 transmission repair to the same 2011 Outback where they replaced a faulty transmission valve body (which is a component that is also acknowledged by Subaru as being defective in the same Technical Service Bulletin noted above.)

I find it to be both dangerous and deeply unfair that Subaru was not required to issue a recall on these defective components – and that they have been allowed to require vehicle owners to fund exorbitant repair costs in order to replace their poorly-engineered components with re-engineered components.

The at-issue components on my mother’s car did not fail due to routine wear-and-tear. They failed because their design was fundamentally flawed and known to be failure-prone - and despite the fact that the component failure causes the vehicle to stall unexpectedly and create a traffic hazard for the driver and those around them, the manufacturer has been allowed to arbitrarily limit their obligation to remediate the defects.

I request that the underlying issues surrounding TSB 16-90-13R be revisited and that Subaru be required to either issue a full recall for vehicles with this this know defect or that the mileage and duration limits be removed from the powertrain warranty extension for vehicles with this defect so that consumers aren’t further endangered or obligated to pay for replacement of components that are known to have critical defects.

Sincerely,

██████████



**Complaint Number: 11388185**

Vehicle Identification Number: 4S4BRBCC[REDACTED]

Your Vehicle's Make Model and Model Year: SUBARU OUTBACK 2011

Note: Your VIN, make, model, and year are all protected under the Privacy Act.

What part of your vehicle was affected? Power Train

**What happened?**

Vehicle repeatedly stalls abruptly while slowing down or turning. Please see attached documents for further details.

**Files you uploaded.**

[REDACTED] - Letter from [REDACTED] regarding TSB 16-90-13R.pdf

When did this happen? 01/14/2021

Was there a Crash? No

Was there a Fire? No

Was there an injury or fatality? No

How fast were you going? (in mph) 5

About how many miles were on your vehicle at the time of the incident? 180000

First Name [REDACTED]

Last Name [REDACTED]

Email: [REDACTED]

Address 1: [REDACTED]

[REDACTED]

City: Brentwood

State : TENNESSEE

ZIP Code [REDACTED]

[REDACTED] Ext. :

Alt. Phone:

Selections made -

NHTSA may share my complaint with the vehicle manufacturer prior to the start of an investigation or recall, and in the interest of safety.: Yes (box unchecked)

I wish to receive safety recall alerts from NHTSA: Yes (box unchecked)

**ATTENTION:**

GENERAL MANAGER   
 PARTS MANAGER   
 CLAIMS PERSONNEL   
 SERVICE MANAGER

IMPORTANT - All  
 Service Personnel  
 Should Read and  
 Initial in the boxes  
 provided, right.

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QUALITY DRIVEN® SERVICE

## SERVICE BULLETIN

**APPLICABILITY:** 2010-12 MY Legacy and Outback Models  
 Equipped with CVT Transmission

**SUBJECT:** Design Change to Lock-Up Type  
 Torque Converter

**NUMBER:** 16-90-13R  
**DATE:** 01/06/14  
**REVISED:** 02/15/18

### INTRODUCTION

This bulletin announces the availability of a countermeasure torque converter assembly to address a customer concern of very low engine RPM when coming to a stop. The condition is similar to coming to a stop in a manual transmission equipped vehicle without depressing the clutch pedal. Thrust washer wear inside the torque converter can cause restriction of the oil passage used to bleed off lock-up clutch application pressure. The result is either a delayed (momentary low engine rpm) or no lock-up pressure release. The thrust washer has been changed from a solid bushing-type to a needle bearing type.

### COUNTERMEASURE IN PRODUCTION

The countermeasure torque converter was incorporated into production October 1, 2013 starting with transmission #633208. Remanufactured CVT assemblies with a production date of 12/31/2013 or later as indicated on the shipping container label include this revised torque converter.

### PART INFORMATION

| PART NUMBER | DESCRIPTION                  | QUANTITY |
|-------------|------------------------------|----------|
| 31100AB171  | Torque Converter Assy.       | 1        |
| 806735290   | Differential Side Seal (L/H) | 1        |
| 806735300   | Differential Side Seal (R/H) | 1        |
| 28333SA000  | Axle Shaft C-Clip            | 2        |
| SOA635043   | CVT Fluid (Quart)            | 4        |

*Continued...*

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**SUBARU OF AMERICA, INC. IS "ISO 14001 COMPLIANT"**

The international standard for excellence in Environmental Management Systems. Please recycle or dispose of automotive products in a manner that is friendly to our environment and in accordance with all local, state and federal laws and regulations.

## SERVICE PROCEDURE / INFORMATION

- Always verify the customer concern before proceeding with any diagnostics and / or repairs.
- Diagnose any stored DTCs per the applicable Service Manual.
- Perform a line pressure test to rule out other possible pressure-related causes for the condition.
- After performing the applicable diagnostics, replace the torque converter assembly following the procedure outlined in the appropriate Service Manual.
- Both front differential side (axle shaft) oil seals and axle shaft c-clips are one-time use items and must be replaced as part of this repair.
- In **rare** instances, should the condition persist after replacing the torque converter, the valve body assembly may also require replacement.
- Before releasing the vehicle, always confirm the CVT has been refilled to the proper level by following the procedure outlined in the appropriate Service Manual.

**REMINDER:** In the event the valve body requires replacement, the Learning Control procedure must be performed after installation to complete the repair.

## WARRANTY / CLAIM INFORMATION

For vehicles within the Basic New Car Limited and / or Powertrain Warranty period, this repair may be claimed using the following information:

| LABOR DESCRIPTION  | LABOR OPERATION # | FAIL CODE | LABOR TIME |
|--|-------------------|-----------|------------|
| CVT Transmission R&R   | B303-001          | LAA-48    | <b>3.8</b> |
| Torque Converter R&R   | C303-122          |           | 0.1        |
| CVT Line Pressure Testing  | C303-701          |           | 0.6        |
| <b>IF VALVE BODY NEEDS TO BE REPLACED AFTER TORQUE CONVERTER REPLACEMENT</b> |                   |           |            |
| CVT Valve Body Replace   | B303-841          | MPO-48    | 1.2        |
| CVT Line Pressure Testing  | C303-701          |           | 0.6        |

Up to 4 quarts of CVT Transmission Fluid, p.n. SOA635043 can be claimed for torque converter replacement.