



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue SE.  
Washington, DC 20590

MAR 23 2009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Gerald Plante  
General Manager  
Government Relations  
Subaru of America, Inc.  
P.O. Box 6000, Subaru Plaza  
Cherry Hill, NJ 08034-6000

NVS-212pco  
PE09-017

Dear Mr. Plante:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE09-017) to investigate allegations of fuel line leakage in the engine compartment in MY 2002-2004 Subaru Impreza WRX and WRX STI vehicles manufactured by Subaru of America, Inc., and to request certain information.

Since closing PE04-002 in May of 2004 on MY2002 Impreza WRX vehicles, this office has received 188 additional consumer complaints (VOQs) of fuel odor and fuel leakage in the engine compartment in MY 2002-2004 Subaru Impreza WRX and WRX STI vehicles. The complaints indicate that the gasoline odor and leakage occurs during cold weather conditions. The subject allegations appear to be consistent with fuel leakage problems as described in Subaru's April 1, 2003, TSB 09-36-03. This TSB describes a problem of "fuel smell (odor) in cold weather," but often reported at a higher temperature. An electronic copy of each complaint report has been sent to your office. A list of the 188 VOQs is provided at the end of this letter.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All MY 2002-2004 Subaru Impreza WRX and WRX STI vehicles and all other MY 2002-2004 Subaru vehicles manufactured for sale or lease in the United States.
- **Subject component:** All direct fuel-feed lines located under the intake manifold, including the metal tubing, rubber hose sections and fastener clamps leading to the injectors, as manufactured on the subject vehicles.



- **Subaru:** Subaru of America, Inc., all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Subaru (including all business units and persons previously referred to), who are or, in or after September 1, 2000, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
  - a. Design, engineering, analysis, modification or production (e.g. quality control);
  - b. Testing, assessment or evaluation;
  - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
  - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** Fuel line leakage resulting in fuel odor and/or leaks in the engine compartment or fuel odor in the occupant compartment.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Subaru, any other data compilations from which information can be obtained, translated if necessary, into a usable form and

any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Subaru or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the subject condition, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Subaru has previously provided a document to ODI, Subaru may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Subaru's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State within the body of the response letter, by model and model year, the total number of subject vehicles Subaru has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Subaru, state the following:
  - a. Make;
  - b. Model;
  - c. Model Year (MY);
  - d. Vehicle identification number (VIN);
  - e. Date of manufacture ("DOB" in "yyyy/mm/dd" date format);
  - f. Date warranty coverage commenced ("WSD" in "yyyy/mm/dd" date format) or "Unsold" if not sold;
  - g. The State (ST) in the United States where the vehicle was originally sold or leased (or delivered for sale or lease); and

- h. Engine size and aspiration ("ENGINE" i.e. 2.0L Turbo, 2.0L non-Turbo, 2.5L non-Turbo, 2.5L Turbo etc...).

Provide this table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."

2. State within the body of the response letter, the number of each of the following, received by Subaru, or of which Subaru is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash/fire, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
  - d. Property damage claims (including own vehicle); and
  - e. Third-party arbitration proceedings where Subaru is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which Subaru is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which both a crash complaint and a crash related property damage claim are being reported are to be counted as a property damage report with the crash report, the field report and the consumer complaint identified as a "DUP"). The hierarchal order shall be in the reverse order as outlined in subparts "a" through "d". Also, identify the "top level" report as "VOQ DUP" if it is a duplicate of an ODI consumer complaint-VOQ.

In addition, for subparts "d" through "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. Subaru's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint (CC), field report (FR), crash/fire/injury or fatal report (CFIFR), property damage claims (PDC, third-party arbitration (TPA) or lawsuits (LS));
  - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
  - d. Vehicle's VIN;
  - e. Vehicle's make, model and model year;
  - f. Vehicle's mileage at time of incident;

- g. Incident date ("IDATE" in "yyyy/mm/dd" date format);
- h. Report or claim date ("RDATE" in "yyyy/mm/dd" date format);
- i. Whether a crash is alleged;
- j. Whether property damage is alleged;
- k. Number of alleged injuries, if any;
- l. Number of alleged fatalities, if any, and
- m. Duplication if any (to any of the Request No. 2, subparts "a" through "d" items or to itself (earliest incident date take precedence))

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Subaru used for organizing the documents.
- 5. State within the body of the response letter, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Subaru to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Subaru's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date ("RDATE" in "dd/mm/yyyy" date format);
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer;
- k. Comment, if any, by dealer/technician relating to claim and/or repair; and
- l. If repaired per the procedures as identified in the subject TSB.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

- 6. Describe in detail the search criteria used by Subaru to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle

warranty coverage (including the subject component) offered by Subaru on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Subaru offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

7. Produce copies by model and engine size/aspiration, of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles (all issued revisions), that Subaru has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also, include the latest draft copy of any communication that Subaru is planning to issue within the next 120 days.
8. Describe by model and engine size/aspiration, all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Subaru. Include any assessment or limitations associated with the utilization of a constant tension hose clamp, using a double clamp system or orienting the clamps (or changing the head design) such that they can be assessable for adjustments without major disassembly. For each such action, provide the following information (in chronological order):
  - a. Action title or identifier;
  - b. The actual or planned start date;
  - c. The actual or expected end date;
  - d. Brief summary of the subject and objective of the action;
  - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
  - f. A brief summary of the findings and/or conclusions resulting from the action, and
  - g. Model and engine size/aspiration.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

9. Describe by model and by engine size/aspiration, all modifications or changes made by, or on behalf of Subaru, in the design, material composition, manufacturing, quality control, supply, or installation of the original part and the subject component, from the start of the MY2002 production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information (in chronological order):
  - a. The date or approximate date on which the modification or change was incorporated into vehicle production identifiable by MY, DOB or VIN in the "PRODUCTION DATA" table of Request No. 1;
  - b. A detailed description of the modification or change;

- c. The reason(s) for the modification or change;
- d. The part numbers (service and engineering) of the original component;
- e. The part number (service and engineering) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Subaru is aware of which may be incorporated into vehicle production within the next 120 days.

10. Produce two each of the following (identified by model and engine size/aspiration):
    - a. Exemplar samples of both the original MY2002-MY2004 designs and any subsequent design/mod of the subject component (including both tube sections to/from the rubber hose along with the fastener clamps) for both sides of the engine if different; and
    - b. Field return samples of the subject component exhibiting the suspected failure mode.
  11. State the number of subject component that Subaru has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year and engine size/aspiration of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable)
    - a. Subject component; and
    - b. Any kits that have been release, or developed, by Subaru for use in service repairs to the subject component/assembly.
- For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number).
12. Provide a description and graphic illustration of the fuel line/rail system as installed in the engines on each of the subject vehicles including the name and part numbers for each component of the fuel line system. Note the commonalities and differences (if any) between the normally aspirated engine versus the turbocharged engine, between different engine sizes and between the left side (driver side) and right side fuel line/rail layout. Provide also the electronic version of the illustrations in Adobe pdf or other common graphical format (i.e. jpg etc...).
  13. Furnish Subaru's assessment of the alleged defect in the subject vehicle, including:
    - a. The causal or contributory factor(s);
    - b. The failure mechanism(s);
    - c. The failure mode(s);
    - d. The risk to motor vehicle safety that it poses;

- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
- f. The reports included with this inquiry.

This letter is being sent to Subaru pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Subaru's failure to respond promptly and fully to this letter could subject Subaru to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Subaru cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Subaru does not submit one or more requested documents or items of information in response to this information request, Subaru must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Subaru's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by May 15, 2009. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE09-017 in Subaru's response to this letter and in any confidentiality request submitted to the Office of the Chief Counsel. If Subaru finds that it is unable to provide all of the information requested within the time allotted, Subaru must request an extension from me at (202) 366-5218 no later than five business days before the response due date. If Subaru is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Subaru then has available, even if an extension has been granted.

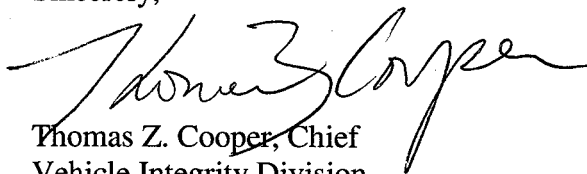
If Subaru claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Subaru must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21,

2004), to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Subaru is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to Peter Ong (Peter.Ong@dot.gov) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Subaru sends its response to this office and indicate whether there is confidential information as part of Subaru's response.

If you have any technical questions concerning this matter, please call Peter Ong of my staff at (202) 366-0583.

Sincerely,



Thomas Z. Cooper, Chief  
Vehicle Integrity Division  
Office of Defects Investigation

VOQ Numbers (in ascending order):

10097707	10098626	10104150	10104153	10104162	10104169	10104178	10104194	10104203	10104224
10104257	10104273	10104340	10104385	10104406	10104554	10104572	10104690	10104769	10104957
10105610	10105827	10105948	10105995	10106151	10106355	10106473	10106512	10106515	10106516
10106517	10106532	10106681	10107521	10107564	10107596	10107617	10107738	10107761	10107786
10107802	10107824	10107854	10108144	10108238	10108777	10108813	10110361	10110499	10111931
10112041	10112550	10113965	10143101	10143677	10143683	10144181	10144567	10144713	10144855
10144860	10144894	10145116	10145593	10145689	10145752	10145785	10148054	10148366	10150197
10150589	10150609	10150611	10150615	10150616	10151255	10151442	10153308	10173570	10174406
10174699	10175544	10175586	10175593	10176367	10176504	10176720	10177744	10178731	10178988
10179033	10179098	10179217	10179496	10180663	10180778	10180797	10180944	10181018	10181274
10181413	10181582	10181779	10181956	10182192	10182328	10182414	10182449	10182730	10182779
10182915	10182966	10182967	10183233	10183290	10183410	10183699	10183987	10184226	10184642
10184841	10184896	10185436	10185806	10185891	10189109	10192711	10193443	10207439	10207772
10207885	10210636	10211161	10211230	10211476	10211588	10212110	10212165	10212196	10213139
10213198	10213653	10213698	10213800	10215301	10216417	10216576	10216872	10221257	10223612
10241842	10242845	10244870	10245495	10246318	10248227	10248816	10249710	10250958	10251008
10251517	10251695	10251886	10251928	10251977	10252138	10252230	10252388	10252525	10252564
10253437	10253614	10254054	10255068	10255215	10255327	10255614	10255807	10256121	10256269
10256397	10256426								
10257600	10258284	10258751	10258934	10259900	10261723				