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SUBARU®

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**09V-468
(3 Pages)**

December 1, 2009
Ref. No.: GR09-059

Mr. Daniel C. Smith
Associate Administrator for Enforcement, NVS-200
National Highway Traffic Safety Administration, W45-306
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Part 573 Defect Information Report – 2002-2003 Subaru WRX Fuel Lines

Dear Mr. Smith,

In accordance with 49 CFR Part 573 Defect and Noncompliance Reports, Fuji Heavy Industries USA, Inc. on behalf of Subaru of America, Inc. and Fuji Heavy Industries, Ltd., submits the enclosed notification and report concerning a recall for fuel line seepage on 2002 and some 2003 model year Subaru WRX vehicles sold in the United States. The purpose of this letter is to transmit the information specified by Part 573 regulations with respect to the forthcoming campaign which will provide a remedy for the affected vehicles.

After careful evaluation of our internal testing and the agency's information and concerns involved with EA09-011 and although Subaru is willing to identify this campaign as a safety recall in the owner communication about the campaign (complying with all aspects of Part 577), Subaru has concluded that the affected vehicles do not contain a safety related defect within the meaning of federal motor vehicle safety law. However, Subaru does agree that fuel odor caused by fuel seepage from the fuel lines occurs even if only under certain climatic conditions and for a limited duration. To address this issue and resolve concerns by our owners and NHTSA about this situation, Subaru is submitting the information required in Part 573 and will notify affected owners of a vehicle recall in the 16 states in NOAA Climate Zone 1.

Note: For owners in the other 34 states, Subaru will extend the warranty on this fuel line/hose to 12 years/unlimited mileage. Owners in these states who have a fuel odor can take their WRX to a Subaru dealer for a free fuel line update. Letters informing owners of this warranty extension will be mailed as soon after the 16-state campaign mailing as possible.

If you have any questions on the enclosed report, please contact me.

Sincerely,
Fuji Heavy Industries USA, Inc.

Gerald Plante, Director of Government Relations
Enclosure.

cc: Fuji Heavy Industries, Ltd. (Japan); Subaru of America, Inc. (Cherry Hill, NJ)

**Defect Information Report
49 CFR Part 573.6**

573.6(c)(1) – Manufacturer’s Name

Vehicle Fabricating Manufacturer:

Fuji Heavy Industries, Ltd. [“FHI”]
1-7-2 Nishi-Shinjuku
Shinjuku-ku
Tokyo 160-8316, Japan

Designated U.S. Agency:

Fuji Heavy Industries USA, Inc.
Subaru Plaza, PO Box 6000
2235 Rt. 70W
Cherry Hill, NJ 08034-6000

573.6(c)(2)(i) – Identification of Vehicles Containing the Defect

Based on vehicle production records, we have determined that the affected passenger car population in the 16 NOAA “Zone 1” states is as follows:

Make:	Subaru
Model Year(s):	2002 - 2003
Model(s):	Impreza WRX Vehicles
Production Dates:	Sept. 22, 2000 - Sept. 12, 2002
VIN Ranges:	2002 WRX: 2*500015 - 2*531625 (Sedan) 2*800023 - 2*837226 (Wagon) 2003 WRX: 3*500001 - 3*508192 (Sedan) 3*800006 - 3*806970 (Wagon)

Note 1: Although the involved vehicles are within the above VIN ranges, not all vehicles in these ranges were sold in the U.S.

Note 2: Various characters occupy the VIN positions identified by “*”.

573.6(c)(3) – Total Number of Vehicles Potentially Containing the Defect

<u>Model</u>	<u>Year</u>	<u>Number of Vehicles Potentially Involved</u>
WRX	2002-3	6,319*
Estimated Number Already Repaired		- 595
		Total: 5,724

* determined from current R.L. Polk registrations in the 16 “Zone 1” states.

573.6(c)(4) – Percentage of Vehicles Estimated to Actually Contain the Defect

While it is not possible to determine how many of the affected vehicle population have fuel delivery lines that seep fuel, Subaru will be replacing the indicated fuel line on all vehicles for which the later production fuel line has not already been installed. Analysis of dealer claims in the 16 states shows that 595 vehicles have already had the later fuel line/hose installed. Therefore, the estimated percentage of vehicles containing the latent problem is 91%.

573.6(c)(5) – Description of the Defect

Problem involves seepage of fuel around connections between a metal line and a rubber hose. This fuel line is located beneath the intake manifold in the engine compartment. This seepage occurs during cold starts, typically under extremely cold temperatures. Customers complain of a fuel odor. No fires, crashes, injuries or deaths attributed to this defect have been reported. Based on its investigations, Subaru has concluded that the affected vehicles do not contain a safety related defect.

573.6(c)(6) – Chronology of Principal Events

- 1/7/2004: NHTSA opens preliminary investigation PE04-002 based on customer complaints.
- 4/1/2003: Subaru issues TSB 09-36-03 announcing modified fuel line and hose.
- 5/27/2004: NHTSA closes PE04-002.
- 3/10/2009: NHTSA opens PE09-017 based on continuing customer complaints and information.
- 7/2/2009: NHTSA upgrades investigation to EA09-011 to gather additional information.
- 11/25/2009: FHI after review of all new Subaru and NHTSA analysis makes decision to conduct a voluntary regional recall.

573.6(c)(8) – Description of the Manufacturer’s Remedy Program

(i)

Because of the climatic influence on occurrence of this problem, Subaru will conduct a remedy program in the coldest 16 states in the U.S. (NOAA’s “Zone 1” states). The remedy plan calls for dealers in these 16 states (SD, NE, ND, MN, ID, IA, MT, CO, WI, NY, WY, MI, AK, NH, VT, ME) to replace the fuel line (unless already replaced) as described in TSB 09-36-03 which has a longer rubber hose segment to reduce loading on the seal between the hoses and the metal lines.

Repairs will be done at no charge to the owner. Dealers will be reimbursed for the labor and parts by Subaru of America, Inc. upon submission of the usual claim information. Subaru’s reimbursement plan for reimbursing owners or purchasers who previously incurred costs is available at NHTSA for public inspection. Owners who paid for prior repairs for this fuel line seepage will be reimbursed for their full expense.

(ii)

Subaru will start preparing an inventory of modified fuel lines and mailing of the owner notifications. It is expected that owner notification would begin within 30 days. Subaru will update NHTSA if the situation changes significantly.

573.6(c)(10) – Submission of Recall Communications

Fuji Heavy Industries USA, Inc. will provide copies of all notices, bulletins, and other related communications within 5 days after their distribution.

573.6(c)(11) – Manufacturer’s Campaign Number

Our identification code for this campaign will be: WVK-21.

577.5(a) – Submission of Owner Notification Letter

A copy of the owner notification letter will be submitted at least 5 days prior to mailing.