

JAN 16 2009



SUBARU

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January 15, 2009
Ref. No.: GR09-002

Mr. Thomas Cooper
Chief, Vehicle Integrity Division,
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE, Room W48-314
Washington, DC 20590

Re: NVS-212cag/PE08-64 Subaru Baja Turbo

Dear Mr. Cooper,

This letter and enclosures are a partial response by Subaru of America, Inc. (Subaru, SOA) to your letter concerning the NHTSA's Preliminary Evaluation (PE08-064) investigation of allegations of a fuel pump leak in 2004-2006 Subaru Baja Turbo vehicles. As agreed earlier, this letter provides Subaru responses to information Requests 1,2,3,4,5,6,7,9,10,11,12,13 and 14. Responses to Requests 8 and 15 will be provided no later than February 6, 2009.

As requested in your letter, our response is provided after repeating, verbatim, the applicable request which is in bold text.

1. State, by model and model year, the 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. Vehicle identification number (VIN);**
- b. Model;**
- c. Model Year;**
- d. Date of manufacture;**
- e. Date warranty coverage commenced; and**
- f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).**

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

Subaru has manufactured the following numbers of Baja Turbos for sale or lease in the U.S.:

<u>Model</u>	<u>Model Year 2004</u>	<u>Model Year 2005</u>	<u>Model Year 2006</u>	
Baja Turbo	1088	3359	1911	Total: 6558

This information was obtained on December 8, 2008 Subaru's parent company, Fuji Heavy Industries, Ltd. The vehicle is produced at the Lafayette, Indiana plant.

Enclosed is an Access file named "PRODUCTION DATA" with the requested information by VIN. We were able to identify 6537 of the above VIN's in the Subaru database. The difference of 24 VIN's could be attributed to certain pre-production vehicles sent to Subaru but never sold.

2. **State 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 including allegations of fuel leakage from the fuel system in the area of the fuel pump where the specific leak source has not been identified in the subject vehicles:**

- a. Consumer complaints, including those from fleet operators;
- b. Field reports, including dealer field reports;
- c. Police and Fire Department reports;
- d. Reports involving a crash, 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;
- e. Reports involving a fire, 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;
- f. Property damage claims; and
- g. Third-party arbitration proceedings where Subaru is or was a party to the arbitration; and
- h. Lawsuits, both pending and closed, in which Subaru is or was a defendant or codefendant.

For subparts "a" through "e," 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 a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "h," provide a summary description of the alleged problem and causal and contributing factors and mfg's short name's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" through "h," 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.

This information was gathered from current internal files and databases by several departments within Subaru during the week of December 1-19, 2008.

- a. Consumer complaints: 1
- b. Field reports: 3
- c. Police and Fire Department reports: 0
- d. Reports including a crash: 0

	injury:	0
	fatality:	0
e. Fire		0
f. Property damage claims:		0
g. Third party arbitration proceedings:		0
h. Lawsuits:		0

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, field report, etc.);
- c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
- d. Vehicle's VIN;
- e. Vehicle's model and model year;
- f. Vehicle's mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. Type of warning or indication of the impending failure, if any, including but not limited to: "smoke," "fluid leak," "odor of gasoline," etc.;
- j. Whether a crash is alleged;
- k. Whether a fire is alleged;
- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any; and
- n. Number of alleged fatalities, if any.

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

Enclosed is an Access file named "COMPLAINT DATA" with the requested information for a. through m. listed by sequential VIN.

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.

Enclosed in Appendix A are the copies of the documents which were extracted from the Subaru Customer Dealer Services data base (SR# 1-7518658) and the Quality Monitoring Report system (QMR ID 32249, 32342 and 32396). The first being a consumer complaint (SR# 1-7518658) and the remaining three are field reports system (QMR ID 32249, 32342 and 32396).

5. State, 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. Date of manufacture;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- h. Labor operation number;
- i. Problem code;
- j. Replacement part number(s) and description(s);
- k. Concern stated by customer;
- l. Type of warning or indication of the impending failure, if any, including but not limited to: "smoke," "fluid leak," "odor of gasoline," etc.;
- m. Comment, if any, by dealer/technician relating to claim and/or repair;
- n. Whether there is an indication of a leak; and
- o. Whether Subaru re-purchased the vehicle.

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

Enclosed is an Access file named "WARRANTY DATA" with the requested information for a. through o. listed by sequential VIN.

<u>Claim Category</u>	<u>2004 Baja Turbo</u>	<u>2005 Baja Turbo</u>	<u>2006 Baja Turbo</u>
Warranty claims	0	11	5
Extended warranty claims ('SAS')	0	5	5
Policy adjustments (Goodwill)	0	9	1

Definitions for h and i :

- Labor operation # 869131- Fuel pump or sending unit R&R
- Labor operation # 475001- Fuel pump testing
- Labor operation # 471001- Fuel pump R&R
- Problem code (Fail code) 37- Leaking Fuel
- Problem code (Fail code) 2 - Cracked

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 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.

Initially, Subaru used a combination of failed part (3 letters) and trouble codes (2 numbers) to select applicable warranty claims by problem code. Enclosed are two sample pages from the Subaru Warranty Labor Time Guide manual to illustrate how dealers obtain failed part and trouble codes for warranty claims. For this response, the following problem codes were used:

<u>Problem Code</u>	<u>Failed Part Code Description</u>	<u>Trouble Code Description</u>
DBA37	Fuel Pump	Leaking- Fuel

For 2004, 2005 and 2006 Subaru Baja models, there are the following warranty coverages:

<u>Warranty</u>	<u>Years Limitation</u>	<u>Mileage Limitation</u>
New Car Warranty	3	36,000
Seat Belt Warranty*	Useful Life of Vehicle	Unlimited
Powertrain Warranty*	5	60,000
Rust Perforation Warranty*	5	Unlimited
Parts and Accessories*	1	Unlimited

*- Not applicable to the alleged defect

The only optional coverage offered by Subaru are extended service contract plans under the Subaru Added Security (SAS) Program. There are two general plan categories: "Classic" and "Gold Plus". Within each category, there are 3 possible deductibles (\$100, \$50, \$0) and eight (8) possible plan year/mileage terms (3/45000; 4/60,000; 6/60,000, 6/80,000; 5/100,000; 6/100,000; 7/100,000). This yields 24 possible plans.

"Classic plans cover nearly 1000 parts in all major component areas, including engine, transmission, drivetrains, front suspension, steering, brakes, electrical, cooling and fuel systems and air conditioning. Also provides towing and rental car reimbursement for covered repairs."

"Gold Plus plans include all Classic plan coverage plus hundreds more parts. In fact they provide essentially the same "bumper-to-bumper" coverage as the basic factory warranty. Only a few maintenance items and body parts are not covered. The Gold Plus plan also reimburses for lodging and meals when a breakdown interrupts your out-of-town travel, plus: 24-hour emergency roadside assistance, \$100 allowance for "Sign & Drive" dispatched towing, jump start, tire change, gasoline delivery, locksmith service, road hazard tire protection, computerized trip routing, dealer locator service and travel assistance."

As of December 31st, 2008 Subaru had the following number of Baja Turbo vehicles with the indicated service plans:

<u>Plan</u>	<u>Model Year 2004</u>	<u>Model Year 2005</u>	<u>Model Year 2006</u>
36 mo./45,000 miles	0	36	22
48 mo./60,000 miles	5	45	24
60 Mo./60,000 miles	18	164	84
60 Mo./80,000 miles	0	10	1
60 Mo./100,000 miles	6	113	85
72 mo./60,000 miles	20	185	129
72 mo./80,000 miles	25	185	120
72 mo./100,000 miles	29	192	116
84 Mo./70,000 miles	1	14	21
84 Mo./100,000 miles	<u>10</u> 114	<u>108</u> 1,052	<u>88</u> 690

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, 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.

None

9. Describe Subaru's quality control and product monitoring actions for the fuel pump system in the subject vehicles (including actions by the supplier for the subject component).

Provide the following information:

- a. The Control Plan, including but not limited to the potential failures and affects, and the associated control charts;
- b. Testing and data collection methodology;
- c. Record retention and record keeping policy;
- d. Corrective actions planned and implemented for an out of control condition;
- e. The date of component approval/acceptance for production and/or sale, and if the component failed approval/acceptance, provide a detailed description of the reason for failure; and
- f. Component approval/acceptance criteria.

See Attachments - 9a through 9c.

9d - No out of control conditions have occurred which required corrective action plans.

9e - Please see 9b ISR (Initial Sample Report) dated 6/22/03

9f - Please see 9b ISR (Initial Sample Report) dated 6/22/03

10. Describe all modifications or changes made by, or on behalf of, Subaru in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of 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:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The part number(s) (service and engineering) of the original component;
- e. The part number(s) (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.

Please refer to attachment "Modification History of Fuel Pump Assembly on '04-'06 Baja Vehicle"

11. State, by model, model year and part number, the number of fuel pump system parts sold by Subaru to date that relate to, or may relate to, the alleged defect in the subject vehicles.

Model	Model Year	Part Number	Description	2008 Parts Sold	2007 Parts Sold	2006 Parts Sold	2005 Parts Sold	2004 Parts Sold
Baja Turbo And Legacy	2004-2006	42021AE08A	Pump Assembly Fuel	80	22	22	6	4
Baja Turbo and Legacy	2004-2006	42128FC020	Retainer	71	27	155	104	81

Note : We checked and confirmed part number 42021AE08A, for the fuel pump, is used exclusively on the Subaru Baja Turbo.

12. Identify the recommended grade of fuel for use in the subject vehicles. Describe in detail the effects of various fuel grades (regular, mid-grade and premium) to the function and operation of the fuel pump system in the subject vehicles.

Please refer to attachment "Recommended Grade of Fuel".

13. Describe in detail the following. Include sketches or diagrams:

- a. The function and operation of the fuel pump system in the subject vehicles.
- b. Compare and contrast the design, function and operation of the fuel pump system in the subject vehicles with the design, function and operation of the fuel pump system in MY 2004-2006 Subaru Baja vehicles without a turbocharger.

- a. Please refer to attachment "13. Fuel Pump Diagram".
- b. The difference in the fuel pump between the normally aspirated and turbo models is the discharge flow rate. Please see diagram in 13 a.

14. Produce a layout drawing(s) and photographs of the fuel pump system, including but not limited to all of the associated hoses, fittings, connections and seals. Include the following:

- a. Label each component;
- b. Define the part numbers for each component; and
- c. Identify all hoses and lines, whether the hose/line is 1) vapor or liquid, 2) a supply or return and 3) the pressure of the liquid or vapor in the line.

Please refer to attachment "14. Fuel System Diagram" and "Photo 1 through 12"

If there are any questions, please contact me at (856)488-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice Arcangeli", written over a horizontal line.

Maurice Arcangeli
Government Relations
Fuji Heavy Industries USA, Inc.

Cc: Jerry Plante

Enclosures