



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

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 28 2005

NVS-216 mjj
Ref. No. 10135661

[REDACTED]
[REDACTED]
Venice, FL [REDACTED]

Dear [REDACTED]:

Thank you for your correspondence dated March 5, 2005, concerning the convertible soft top on your model year (MY) 2001 Mazda Miata vehicle. Senator Mel Martinez forwarded your correspondence to the National Highway Traffic Safety Administration (NHTSA), which was received on September 6, 2005, and asked that we respond directly to you.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report Senator Martinez provided on your behalf and the previous report (Reference No. 10112546) you submitted while visiting NHTSA's Internet Web site on March 5, 2005. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to help us determine whether an investigation into a possible safety defect is warranted.

NHTSA is aware of Mazda Motor Corporation's (Mazda) Technical Service Bulletin (TSB) (Article No. 09-003/03) concerning splitting of the convertible soft top on certain MY 1999 through 2002 Mazda Miata vehicles. The issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Neither Mazda nor NHTSA has determined that the problem covered by the TSB relates to a safety defect. Therefore, NHTSA cannot require Mazda to perform the corrective action described in the TSB on your vehicle at no cost to you or notify vehicle owners about the issuance of a TSB. In addition, this issue appears to be different from the latch issue that you raised in your letter.

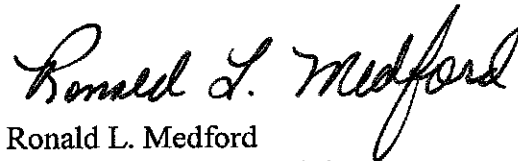


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NHTSA's Office of Defects Investigation (ODI) has reviewed its database in an effort to identify whether a safety defect trend exists with regard to convertible soft top latch failures on MY 1999 through 2002 Mazda Miata vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation. The information you provided has been entered into our database. ODI will continue to monitor this issue and take future action as appropriate.

I hope this information is helpful. If further assistance is needed, please contact me or Ms. Kathleen C. DeMeter, Director of NHTSA's Office of Defects Investigation, at (202) 366-2850.

Sincerely yours,



Ronald L. Medford
Senior Associate Administrator
for Vehicle Safety

cc: The Honorable Mel Martinez