DEPARTMENT OF JUSTICE
Antitrust Division

R. HEWITT PATE
Assistant Attorney General

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950 Pennsylvania Avenue, N.W.
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FEB 25 2004

The Honorable Robert C. Byrd
United States Senate
Washington, DC 20510

Dear Senator Byrd:

This responds to your letter to the Department of Justice forwarding concerns of your constituent Toni Burks regarding the proposed consent decree in *United States v. Alcan Inc.* The proposed decree requires that, to resolve the Department's concern that Alcan's acquisition of Pechiney would harm competition in the production and sale of brazing sheet in North America, the parties divest Pechiney's aluminum rolling mill in Ravenswood, West Virginia. Ms. Burks is concerned that if there is no attractive buyer for the facility, Alcan might decide to close it.

The decree requires that the Ravenswood plant be sold to someone able to successfully operate it and provide competition for Alcan; this is a cornerstone of the decree. Simply closing the plant would not address the competitive problem. Alcan and Pechiney have hired an investment banking firm to identify prospective purchasers and help arrange the purchase, and the Department has no reason to believe that these efforts will not be successful. Furthermore, even if the parties do not find a purchaser acceptable to the Department on their own, the Department would appoint a trustee to conduct an independent search for a purchaser.

Please be assured that the Antitrust Division will take Ms. Burks's comments and all other public comments into consideration before asking the court in this case to consider whether entry of the consent decree is in the public interest. If we can be of further assistance on this or any other matter, please do not hesitate to contact this office.

Yours sincerely,

R. Hewitt Pate

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NOV 20 2003

The Honorable Shelley Moore Capito
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Capito:

This responds to the e-mail you forwarded from your constituent Toni Burks regarding the proposed consent decree in *United States v. Alcan Inc.* The proposed decree requires that, to resolve the Department of Justice's concern that Alcan's acquisition of Pechiney would harm competition in the production and sale of brazing sheet in North America, the parties divest Pechiney's aluminum rolling mill in Ravenswood, West Virginia. Ms. Burks expresses concern that if there is no buyer for this facility, Alcan might retain it and later decide to close it.

The requirement that the Ravenswood plant be sold to someone who will be able to successfully operate the facility and provide competition for Alcan is a cornerstone of the proposed consent decree. Alcan and Pechiney have recently retained an investment banking firm to identify prospective purchasers and help arrange the purchase, and the Antitrust Division has no reason to believe that these efforts will not be successful. Please be assured that the Antitrust Division will take Ms. Burks's and all other public comments into consideration before asking the court in this case to consider whether entry of the consent decree is in the public interest.

If we can be of further assistance on this or any other matter, please do not hesitate to contact this office.

Yours sincerely,

R. Hewitt Pate
Assistant Attorney General

cc: Toni Burks

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

December 30, 2003

Mr. William Moschella
Assistant Attorney General for Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Room 1145
Washington, D.C. 20530

Dear Mr. Moschella:

The enclosed communication is respectfully referred for your consideration, since it concerns a matter within the jurisdiction of your office.

I would appreciate your looking into the matter referenced in the accompanying e-mail, and providing me with your views on the concerns raised by my constituent.

With kind regards, I am

Sincerely yours,

Robert C. Byrd

Robert C. Byrd

RCB: kh
Enclosures

Snapshot Report: Incoming Constituent Message

Imported through Webrespond Daemon

Report Date: 9/30/2003

Assign Staff: email
Address To: General
Name: Mrs. Toni Burks
Address: 705 Chambers Drive
Ravenswood WV 26164 USA
Email Addr: burkst@charter.net **URL:**
Home Phone: (304) 273-9680 **Cell Phone:**
Work Phone: **Fax:**

Salutation: Dear Mrs. Burks: **In Type:** **Reply Ltr:**
Interest Code: W-BUSINESS **Org Name:** **Assign Ltr:**
Classification: **P. Code:** **Category 1:**
Ref. Number: **Grp Id:** W030930 **Category 2:**
Title: **Category 3:**

Message Body:
Subject Desc: Business

Date Received: 9/29/2003 10:01:27 PM

Dear Senator Byrd,

We have just heard the Justice Department has approved the Alcan purchase of Pechiney subject to the divestiture of the Ravenswood Aluminum operations.

Those of us in Ravenswood have also heard there is very likely no buyer and that Pechiney will be shutting the plant down "if that's what it takes to seal the deal." The closure may be rumor, but sounds plausible.

Jobs in West Virginia are so precious and few, is there anything you can do?

Thank you,

Toni Burks
Ravenswood, WV

SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

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FINANCIAL SERVICES
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461921

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300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

October 3, 2003

Christopher Rizzuto
Director of Congressional and Public Affairs
U.S. Department of Justice
810 Seventh Street, N.W. 6th Floor
Washington, DC 20531

Dear Director:

Recently a constituent of mine, Toni Burks, contacted my office with concerns about a recent Justice Department ruling. After reviewing the request, I have forwarded the letter to you so that the matter can be more directly handled.

Thank you for your time and effort. Please send any response directly to the constituent.

Sincerely,

Shelley

Shelley Moore Capito, M.C.

PRINTED ON RECYCLED PAPER

View e:\emailobj\200309\2\929220203.txt

From: Write your representative <writerep@www6.house.gov>
Date: 9/29/2003 10:01:56 PM
To: wv02wyr@housemail.house.gov
Subject: WriteRep Responses

We have just heard the justice department has approved the Alcan purchase of Pechiney subject to the divestiture of the Ravenswood Aluminum operations. Those of us in Ravenswood have also heard there is very likely no buyer and that Pechiney will be shutting the plant down "if that's what it takes to seal the deal." The closure may be rumor, but sounds plausible.
Jobs in West Virginia are so precious and few, is there anything you can do?
Thank you,

Toni Burks
Ravenswood, WV

==== Original Formatted Message Starts Here ====

DATE: September 29, 2003 8:19 PM
NAME: Toni Burks
ADDR1: 705 Chambers Drive
ADDR2:
ADDR3:
CITY: Ravenswood
STATE: West Virginia
ZIP: 26164-1305
PHONE: 304-273-9680
EMAIL: burkst@charter.net
msg:

We have just heard the justice department has approved the Alcan purchase of Pechiney subject to the divestiture of the Ravenswood Aluminum operations. Those of us in Ravenswood have also heard there is very likely no buyer and that Pechiney will be shutting the plant down "if that's what it takes to seal the deal." The closure may be rumor, but sounds plausible.
Jobs in West Virginia are so precious and few, is there anything you can do?
Thank you,

Toni Burks
Ravenswood, WV