



U.S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 10, 2004

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

Dear Senator Byrd:

This responds to your fax to the Department of Justice forwarding concerns of Governor Wise regarding the proposed final judgment in *United States v. Alcan Inc.* The proposed final judgment 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.

Governor Wise recommends that Alcan be allowed to keep Pechiney's Ravenswood plant, or that a purchaser for the plant be chosen who possesses the same operational capabilities as Alcan. The Department appreciates having the benefit of Governor Wise's perspective.

The proposed consent decree requires that the Ravenswood plant be sold to someone able to successfully operate it and provide competition for Alcan. This ability to compete effectively is a cornerstone of the decree. Closing the plant or selling the plant to an entity that is not able to compete 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 an appropriate purchaser.

Please be assured that the Antitrust Division will take Governor Wise'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.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella".

William E. Moschella  
Assistant Attorney General



DEPARTMENT OF JUSTICE  
Antitrust Division

**R. HEWITT PATE**  
Assistant Attorney General

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FEB 05 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, which forwarded concerns of your constituent, L.D. Whitman, Chairman of the Ravenswood Aluminum Retired Salary Association Committee, 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 must divest Pechiney's aluminum rolling mill in Ravenswood, West Virginia. Mr. Whitman, a former manager of the Ravenswood rolling mill, expresses his concern that in order for Ravenswood's new owner to compete effectively, Alcan and Pechiney must agree to retain this facility's substantial legacy costs (*i.e.*, pension, medical, and life insurance benefits for current retirees) – expenses, which, in Mr. Whitman's view, have been a major impediment to the continued profitability and viability of Ravenswood.

The requirement in the proposed consent decree is that the Ravenswood rolling mill be sold to someone who will be able to successfully operate the facility and provide competition for Alcan, Alcoa, and others; this is a cornerstone of the 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 Mr. Whitman'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 contact this office.

Yours sincerely,

R. Hewitt Pate

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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

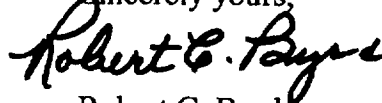
Dear Mr. Moschella:

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 letter, and providing me with your views on the concerns raised by my constituent.

With kind regards, I am

Sincerely yours,

  
Robert C. Byrd

RCB: kh  
Enclosures

October, 29, 2003

809 Cypress Street  
Ravenswood, WV 26164

Senator Robert C. Byrd  
311 Hart Senate Office Building  
Washington D.C., 20510

Regarding: Sale of Ravenswood, West Virginia Rolling Mill

Dear Senator Byrd,

The Ravenswood Aluminum Plants' Salaried Retiree Organization is writing this letter to express our concern about the current events as they relate to the Alcan purchase of Pechiney Aluminum.

We understand that the U.S. Justice Department has approved the purchase but Alcan must divest themselves of the Ravenswood Rolling Mill.

It is our understanding that Pechiney purchased the Plant in September 1999 to better compete with Alcoa in the critical Aerospace Market. Pechiney has spent in excess of \$125 million to improve the Plant's capacity and capability for this Market. The forced sale of Ravenswood will certainly enhance Alcoa's plate position in the world market with a smaller producer's ownership of Ravenswood.

According to the previous and current management, this Plant has not been profitable since it was sold by Kaiser Aluminum in 1989. It is therefore, our desire that Alcan/Pechiney retain the legacy cost, i.e. Pensions, Medical, and Life Insurance for the existing Retirees.

This legacy cost must be addressed to allow this Plant to be profitable. If not, it will in all probability go the way of the Steel Mills and severely impact our State and Community.

As an organization we are willing to have one or more of our Retirees assist the Trustees of the Plant during its transition.

Your immediate attention to this matter is requested!

Sincerely,



L.D. Whitman  
Retired Plant Manager  
Chairman Ravenswood Aluminum Retired Salary Association Committee.