

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**        **Deborah Platt Majoras, Chairman  
Orson Swindle  
Thomas B. Leary  
Pamela Jones Harbour  
Jon Leibowitz**

**In the Matter of**

**CHICAGO BRIDGE & IRON COMPANY N.V.  
a foreign corporation,**

**CHICAGO BRIDGE & IRON COMPANY,  
a corporation, and**

**PITT-DES MOINES, INC.,  
a corporation.**

**Docket No. 9300**

**ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION  
FOR IN CAMERA TREATMENT OF MATERIAL PREVIOUSLY  
DESIGNATED AS CONFIDENTIAL**

Pursuant to Commission Rule 3.45(b), Respondents Chicago Bridge & Iron Company N.V. and Chicago Bridge & Iron Company (“CB&I” or “the Respondents”) have filed a Motion for *In Camera* Treatment of Material Previously Designated as Confidential (“the Motion”). The materials for which CB&I seeks *in camera* treatment consist of Attachment A to Complaint Counsel’s Opposition to Respondents’ Petition to Reconsider (“the Opposition”) (Exhibit A of the Motion), related discussion on page 12 of the Opposition that was redacted from the public version of the Opposition, and portions of the Motion and Exhibit B of the Motion (Affidavit of Richard E. Goodrich). CB&I seeks *in camera* treatment of these materials for a period of five years.

CB&I asserts that the material in question was previously submitted to the Commission’s staff and was designated highly confidential at that time. The Respondents claim that the material contains “highly confidential business information, the release or publication of which

would substantially harm CB&I's business." Motion at 2. CB&I also maintains that it has endeavored to preserve the secrecy of this information. Complaint Counsel does not oppose Respondents' motion.

The Commission finds that CB&I has satisfied the standard set forth in Commission Rule 3.45(b) and shown that the disclosure of the information for which it seeks *in camera* treatment would likely result in "clearly defined, serious injury." 16 C.F.R. § 3.45(b). See *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961); *Bristol-Myers Co.*, 90 F.T.C. 455, 456 (1977); *General Foods Corp.*, 95 F.T.C. 352, 355 (1980). The Commission, however, is not persuaded that *in camera* treatment should be granted for the five-year period requested by CB&I. The information for which such treatment is being granted is temporal in nature, and its competitive sensitivity is likely to diminish over time. Accordingly, the Commission believes that a two-year period is appropriate.

**IT IS THEREFORE ORDERED** that (a) Exhibit A to the Motion and (b) those portions of the Motion, Exhibit B thereto, and the Opposition that were redacted in the public record shall be afforded *in camera* treatment for a period of two years from the date of this Order, at which time Respondents may show cause why those materials should not be made public.

By the Commission.

Donald S. Clark  
Secretary

SEAL  
ISSUED: May 9, 2005