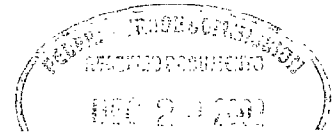


UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



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

PUBLIC RECORD

RESPONDENTS' MOTION FOR *IN CAMERA* TREATMENT OF CERTAIN TRIAL TESTIMONY

protective order directing *in camera* treatment for certain trial testimony containing confidential and sensitive information given in this proceeding, pursuant to Rule 3.45(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. § 3.45(b).

1. The testimony that is the subject of this motion, namely Trial TR. 4224-

constitutes a composite that is, for purposes of this hearing, extremely sensitive and

(1977); *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). According to this authority, applicants for *in camera* treatment must make a "clear showing that the information concerned is sufficiently secret and sufficiently material to their business that disclosure would result in serious competitive injury." *General Foods Corp.*, 95 F.T.C. at 355.

outside of the party's business; (2) the extent to which the information is known by employees and others involved in the business; (3) the extent of measures taken by the party to guard the

amount of effort or money expended by the party in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. *Bristol-Meyers Co.*, 90 F.T.C. at 456. In addition, "[t]he likely loss of business advantages is a good example of a 'clearly defined, serious injury.'" *Hoechst Marion Russel, Inc.*, 2000 F.T.C. LEXIS 138 at *6 (2000) (citing *General Foods*, 95 F.T.C. at 355).

4. Once the determination has been made that a document will receive in

3.45(b).

5. On December 16, 2002, CB&I CEO gave testimony indicating CB&I's views of its competitors in terms of these competitors' ability to compete in the LNG market.

Mr. Glenn noted that he did not view certain competitors as "fierce" competitors and noted the subsequent pricing strategy.

6. There are two scenarios under which this testimony could damage CB&I's business. First, the competitors about whom Mr. Glenn testified will, in essence, be able to

market, and would undoubtedly lose business if it appeared that CB&I believed its competitors were better in the LNG market. Second, customers themselves, if given public access to Mr. Glenn's testimony, may interpret this testimony as an indication that CB&I is not particularly

would damage CB&I's reputation and ability to win future jobs in LNG.

7. Further, the disclosure of confidential strategic information, such as

confidential to maintain the competitiveness of the bid process.

8. The views expressed by Mr. Glenn are not known outside of CB&I, and constitute highly confidential executive level strategic information. The testimony given by Mr.

Glenn is of the type reserved only for high-level strategic meetings and documents, and would not be casually expressed within the company.

9. CB&I has spent considerable money keeping competitive and pursuing LNG projects.

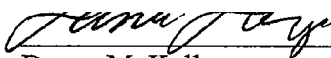
10. CB&I's competitors have no way of knowing that CB&I's views are those expressed by Mr. Glenn on December 16, 2002 in this proceeding.

11. This motion is supported by the affidavit of Gerald Glenn, CEO of Chicago Bridge & Iron, attached hereto as Exhibit A

WHEREFORE, CB&I respectfully requests that the Commission enter an Order granting *in camera* treatment of the trial testimony of Gerald Glenn at Trial Tr. 4221-4225, and all testimony on cross-examination and redirect examination that references this testimony or elicits similar testimony, for a period of three (3) years.

Dated: December 20, 2002

Respectfully submitted,



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Counsel for Respondents

CERTIFICATE OF SERVICE

I, Lance Lange, hereby certify that on this 20th day of December, 2002, I served a true and correct copy of Respondents' Motion for *In camera* Treatment of Certain Trial Testimony, by hand delivery upon:

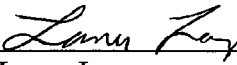
~~Eligible member of the Commission~~

Room H-159
Washington, D.C. 20580

and by fax and hand delivery upon:

Rhett Krulla
Acting Assistant Director
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room S-3602
Washington, D.C. 20580

Steven L. Wilensky
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Room S-3618
Washington, D.C. 20580



Lance Lange

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

_____)
In the Matter of)
)
CHICAGO BRIDGE & IRON COMPANY N.V.,)
)
a foreign corporation,)
)
CHICAGO BRIDGE & IRON COMPANY,)
)
a corporation,) Docket No. 9300
)
and)
)
PITT-DES-MOINES, INC.,)
)
a corporation.)
_____)

PROPOSED ORDER GRANTING RESPONDENTS' MOTION FOR *IN CAMERA*
TREATMENT OF CERTAIN TRIAL TESTIMONY

Pursuant to Commission Rule 3.45(b), Respondents ("CB&I") have filed a motion for *in camera* treatment of certain trial testimony given in this proceeding. I hereby order *in*

~~approve treatment for the testimony appearing at Trial Tr. 4221-4225 (Vol. 17, Part 2) for~~

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: _____, 2002

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
)
)

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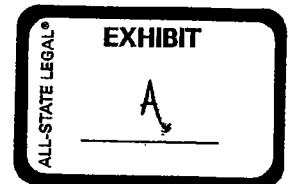
a corporation.)
)

1. I am Chairman, President and Chief Executive Officer of Chicago Bridge & Iron (CB&I).

2. On December 16, 2002, I gave sworn testimony in this proceeding

regarding my views of the strength of CB&I's

3. This testimony contained highly confidential and sensitive information which would cause a competitive injury to CB&I if on the public record. CB&I is very concerned about competition in the LNG market, and is concerned that it will lose business if it appears to customers that CB&I believes its competitors are better in the LNG market. CB&I is concerned that this would damage CB&I's reputation and ability to win future jobs in LNG.

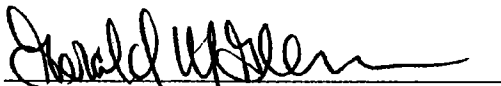


5. The views I expressed are not known outside of CB&I, and constitute highly confidential executive level strategic information. I typically reserve such statements for high-level strategic meetings and documents, and would not casually express these views even within the company.

6. CB&I has spent considerable money remaining competitively strong and pursuing LNG projects.

I declare under penalty of perjury under the laws of the United States of America

Executed on 12/17/02


Gerald M. Glenn

IN CAMERA

