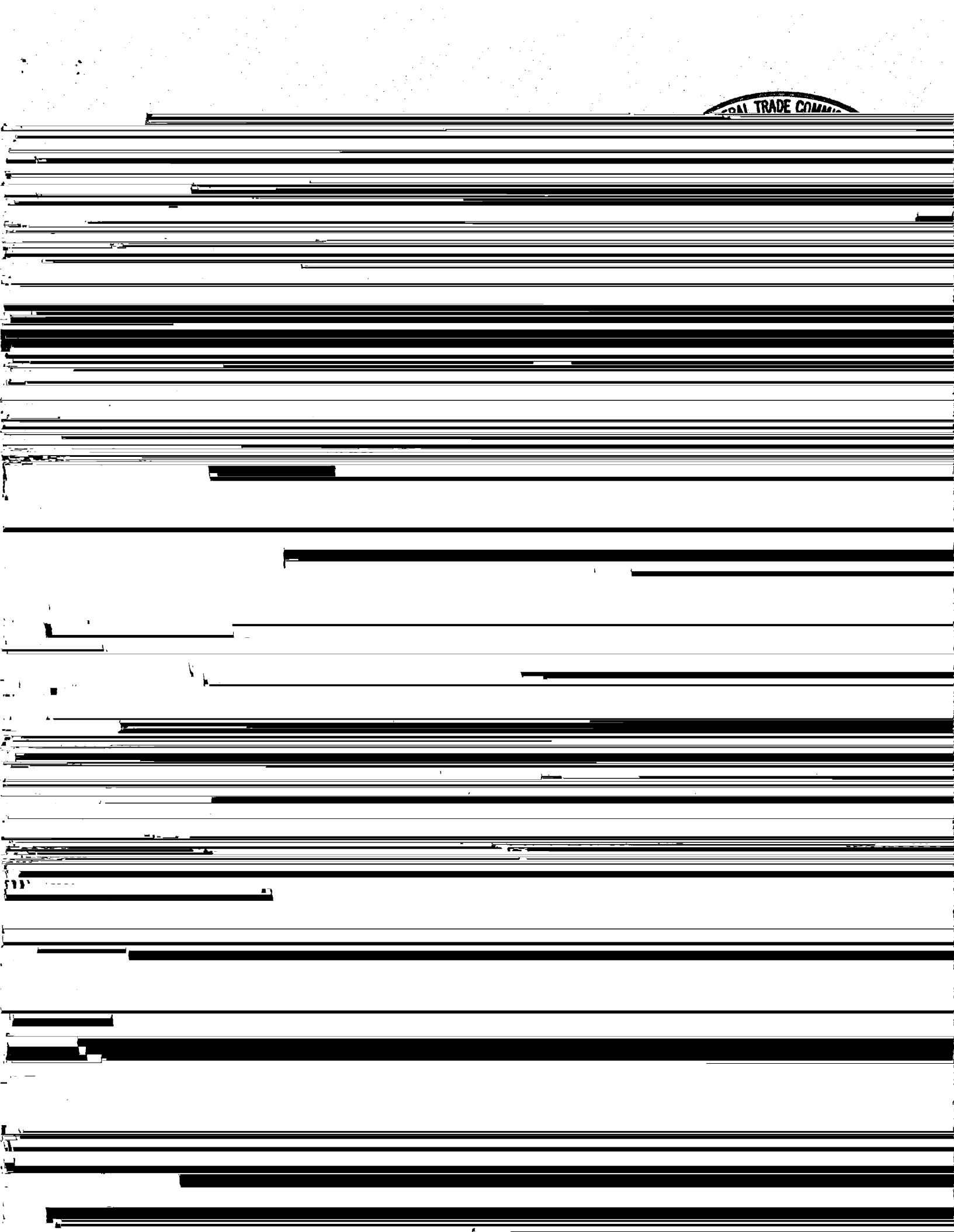

Commission Rule § 10(g), 16 C.F.R. §4.10(g), in order to afford Respondents the opportunity to seek a protective order for *in camera* treatment of this material. Respondents now do so.

The material in question concerns [ ] See hereto at Exhibit B ("Goodrich Affidavit"). [ ] *See id.* [ ] *See* Exhibit A. [

camera treatment." 16 C.F.R. § 3.45(b). The rule also indicates the FTC decisions which

[redacted]

[redacted]

[redacted]

[redacted]

be afforded in agency treatment. The public disclosure of this information [redacted]

organization and which could not be duplicated by anyone outside of CB&I. *See id.* In sum, the public disclosure of information [ ] would cause CB&I a loss of business advantage because it would expose [ ] to its competitors, who would otherwise have no way to know this information.

IV

THE MATERIAL AT ISSUE SHOULD BE KEPT *IN CAMERA* FOR A PERIOD

Once it is established that material deserves *in camera* treatment, the duration of such treatment must be determined. *See* 16 C.F.R. §3.45(b). When *in camera* treatment is granted for ordinary business records, as opposed to trade secrets or other sensitive technical information, it is typically extended for two to five years. *See e.g., In re E.I. Du Pont de Nemours & Co.*, 97 F.T.C. 116 (Jan. 21, 1981). Due to the highly sensitive nature of the material at issue here, CB&I requests that the material be granted *in camera*

hereto and Complaint Counsel's Opposition that have been redacted in the public record, for a period of five years.

Dated: February 22, 2005

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COUNSEL FOR RESPONDENTS

CHICAGO BRIDGE & IRON COMPANY N.V.
AND CHICAGO BRIDGE & IRON COMPANY

CERTIFICATE OF SERVICE

I, Sara Bensley, hereby certify that on February 28, 2005, true and correct copies of the foregoing Corrected Public Version of *Respondents' Motion for* In Camera *Treatment of Material Previously Designated as Confidential* were served on the following persons by hand delivery:

Donald S. Clark
Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Rhett R. Krulla, Esq.
Assistant Director
Bureau of Competition
Federal Trade Commission
Room S-3602
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Steven L. Wilensky, Esq.
Federal Trade Commission
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Room NJ-6120
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Sara Bensley

ATTACHMENT A

Temporarily under seal in accordance with Commission Rule 4.10(g), 16 C.F.R. § 4.10(g).

B

4. [

]

5. [ ] CB&I considers [ ] its voluntary submission of materials to the FTC as highly confidential and extremely sensitive business information

the release or publication of which would substantially harm CB&I's business.

6. To CB&I's knowledge, no one outside of CB&I, aside from certain individuals at the FTC [ ] at the time or knows about it now.

11. Information concerning [ ] is the type of

anyone outside of its business to obtain.

12. CB&I is particularly concerned that the release of this information

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February 28, 2005

BY HAND

Donald S. Clark
Secretary
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RE: [redacted]