

ORIGINAL

UNITED STATES OF AMERICA

REPORT OF THE FEDERAL TRADE COMMISSION

in order to afford Respondents the opportunity to seek a protective order for its testimony.

treatment of this material. Respondents now do so.

The material in question concerns [ ] That proposal contained confidential, sensitive information regarding CB&I's business, the disclosure of which would substantially harm CB&I's current operations. See Exhibit A. [ ] See

] See

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.

Moreover, the Commission has established six factors to consider in determining whether an *in camera* applicant has made a sufficient showing: (1) the extent to which

the information is known outside the party's business; (2) the extent to which the

information is known by employees and others involved in the party's business; (3) the

extent to which the information is known by competitors of the party's business; (4) the

] will have a competitive advantage

over CB&I, [

] In fact, information of this

nature is some of the most sensitive that CB&I maintains

Moreover, this information meets the criteria set forth in 18 C.F.R. § 1.610

in evaluating the need for its common treatment. First, this information is not law

technical information, it is typically extended for two to five years. See e.g., *In re E.I. Du*

*Pont de Nemours & Co.*, 07 F.T.R. 116 (Jan. 21, 1991). Accordingly, CD&I requests that

the material at issue here be granted *in camera* treatment for five years. Previously in

this action, similar competitive information has been granted *in camera* treatment. 16

**CERTIFICATE OF SERVICE**

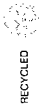
I, Sara L. Bensley, hereby certify that on June 30, 2005, true and correct copies of the foregoing *Respondents' Motion for In Camera Treatment of Material*

One original and twelve copies served by hand delivery upon:

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

One copy served by hand delivery upon each of:

Rhett R. Krulla, Esq.  
Assistant Director



RECYCLED





3. CB&I designated the Alternative Suggestions as highly confidential and redacted the Alternative Suggestions from the public document, seeking *in camera* treatment of same.

4. CB&I considers the Alternative Suggestions as highly confidential and extremely sensitive business information, the release or publication of which would

9. Information concerning the Alternative Suggestions is the type of information that cannot be duplicated outside of CB&I and which CB&I will not allow anyone outside of its business to obtain.

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

would disadvantage CB&I with respect to its competitors because it would give competitors inside information concerning CB&I's business operations.

continued operations, and may provide competitors with the opportunity to raid CB&I's employees, or to exploit the situation with customers of the water business.]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

\_\_\_\_\_)  
In the Matter of )  
 )  
CHICAGO BRIDGE & IRON COMPANY N.V.)  
a foreign corporation, )  
 )  
CHICAGO BRIDGE & IRON COMPANY )  
a corporation, )  
 )  
PITT-DES MOINES, INC., )  
a corporation. )  
\_\_\_\_\_)

Docket No. 9300

PROPOSED ORDER GRANTING RESPONDENTS' MOTION FOR

DESIGNATED AS CONFIDENTIAL



Donald S. Clark  
June 30, 2005  
Page 2

Complaint Counsel's Response, be afforded *in camera* treatment pursuant to Rule 3.45.

Finally, please be advised that the copy of Exhibit A that is included

in this filing is a facsimile copy. The original executed Exhibit A will be e-mailed

under separate cover within 10 business days.