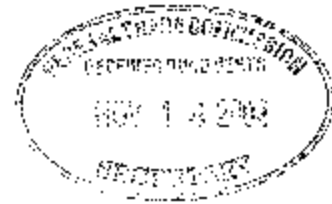


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



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

**ORDER ON NON-PARTIES' RENEWED MOTIONS FOR *IN CAMERA*
TREATMENT OF DOCUMENTS LISTED ON PARTIES' EXHIBIT LISTS**

I.

Pursuant to Commission Rule 3.45(b) and the Order on Non-Parties' Motions for *In Camera* Treatment of Documents Listed on Parties' Exhibit Lists, entered on November 1, 2002, several non-parties have filed renewed motions for *in camera* treatment. The November 1, 2002 Order set forth the standards by which the renewed motions are evaluated.

II.

Non-party Societe Nouvelle Technigaz ("TGZ"), on November 12, 2002, filed a renewed motion seeking *in camera* treatment for two declarations made by Jean-Pierre Jolly, Vice President of Marketing of TGZ, one on June 4, 2002, and the second on August 22, 2002 ("Jolly Declarations"). TGZ seeks *in camera* treatment for a period of three years.

As described by the declaration of the Vice President of Marketing for TGZ, the Jolly declarations contain competitively sensitive and confidential information regarding business and pricing strategies of TGZ, the disclosure of which would cause the loss of business advantage and serious and irreparable injury to TGZ. TGZ has demonstrated that public disclosure of the documents would result in clearly defined, serious injury. Accordingly, TGZ's motion for *in camera* treatment is GRANTED.

In camera treatment, for a period of three years, to expire on December 1, 2005, will be GRANTED to:

portions of the Jolly Declaration, June 4, 2002 (pages 2-3); and
the entire Jolly Declaration, August 22, 2002 (pages 1-6).

At the time these documents are offered into evidence or before they are referred to in court, the parties shall identify these documents as *in camera*, inform the court reporter of the trial exhibit numbers of these documents, and request that the hearing go into an *in camera* session.

III.

Non-party Project Technical Liaison Associates, Inc. ("PTLA"), on November 12, 2002, filed a renewed motion for *in camera* treatment for certain portions of the deposition testimony of Patricia Outtrim, President of PTLA, taken June 4, 2002. PTLA seeks *in camera* treatment for an indefinite period or, in the alternative, for a period of five years.

As described by the declaration of the President of PTLA, certain portions of the Outtrim deposition contain competitively sensitive and confidential client information and proprietary business information. PTLA has demonstrated that public disclosure of the information would result in clearly defined, serious injury. However, PTLA has not met the heavy burden of establishing the unusual circumstances that may warrant indefinite *in camera* treatment for such information. Accordingly, PTLA's motion for *in camera* treatment is GRANTED IN PART.

In camera treatment, for a period of five years, to expire on December 1, 2007, will be granted to:

portions of the Outtrim Deposition, June 4, 2002 (pages: 10-12; 14-24; 28; 30-40; 44; 50; 52; 54-57; 59; 60; 64-65; 69-70; 72-73; 75; 78; 80; 101; 106-119; 128-131; 141-148; 152-155; 157-171; 173-174; 177; 183-185; and 190-193).

At the time this document is offered into evidence or before it is referred to in court, the parties shall identify this document as *in camera*, inform the court reporter of the trial exhibit number(s) of this document, and request that the hearing go into an *in camera* session.

IV.

Non-party American Tank and Vessel, Inc. ("AT&V"), on November 12, 2002, filed a renewed motion seeking *in camera* treatment for documents that are documents within Exhibits 1, 2 and 3 to the deposition of William T. Cutts: AT&V's private communications with the FTC, AT&V's private financial reports for 1998-2001, confidential bid history report form prepared in

2001, and a confidential contract history report form prepared in 2001. AT&V requests that these documents be treated as *in camera* for an indefinite period of time, or in the alternative, for five years.

The affidavit by the President of AT&V, attached to the motion, states that these documents contain highly confidential and proprietary information, the disclosure of which would cause the loss of business advantage and serious and irreparable injury to AT&V. AT&V has demonstrated that public disclosure of these documents would result in a clearly defined, serious injury. However, AT&V has not met the heavy burden of establishing the unusual circumstances that may warrant indefinite *in camera* treatment for such information. Accordingly, AT&V's motion for *in camera* treatment is GRANTED IN PART.

In camera treatment, for a period of five years, to expire on December 1, 2007, will be granted to the documents described in AT&V's motion.

At the time these documents are offered into evidence or before they are referred to in court, the parties shall identify these documents as *in camera*, inform the court reporter of the trial exhibit numbers of these documents, and request that the hearing go into an *in camera* session.

V.

Non-party Zachary Construction Corp. ("ZCC"), on November 12, 2002, filed a renewed motion seeking *in camera* treatment for specific portions of the deposition transcript of Moon Fahel and for documents identified with the bates numbers ZCC 000014-020 and ZCC000030-059. ZCC seeks *in camera* treatment for a period of three years.

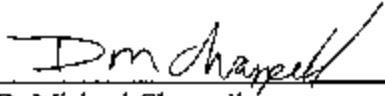
As described by the declaration of the Vice President and Chief Engineer at ZCC, the deposition transcript and documents contain competitively sensitive and confidential information regarding business and pricing strategies of ZCC, the disclosure of which would cause the loss of business advantage and serious and irreparable injury to ZCC. ZCC has demonstrated that public disclosure of the documents would result in clearly defined, serious injury. Accordingly, ZCC's motion for *in camera* treatment is GRANTED.

In camera treatment, for a period of three years, to expire on December 1, 2005, will be GRANTED to:

portions of the Fahel Deposition (21:13-25; 22:1-25; 34:14-20; 35:13-25; 36:1-25;
and 37:1-14);
ZCC 000014-020; and
ZCC 000030-059.

At the time these documents are offered into evidence or before they are referred to in court, the parties shall identify these documents as *in camera*, inform the court reporter of the trial exhibit numbers of these documents, and request that the hearing go into an *in camera* session.

ORDERED:



D. Michael Chappell
Administrative Law Judge

Date: November 14, 2002