



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 BOEING'S MOTIONS FOR *IN CAMERA* TREATMENT  
OF TRIAL TESTIMONY OF GREG PROULX AND TRIAL EXHIBIT**

**I.**

Pursuant to 16 C.F.R. § 3.45, third party witness Greg Proulx, and his employer Boeing Satellite Systems, Inc. ("Boeing"), on November 19, 2002, filed a motion for *in camera* treatment for specific portions of Mr. Proulx's testimony, which was expected to occur on November 20, 2002. By Order dated November 1, 2002, *in camera* treatment for a period of five years had previously been granted to portions of two Boeing documents, designated as trial exhibits CX 10 and CX 513. The November 19, 2002 motion seeks to protect the anticipated trial testimony about these documents from public disclosure. In addition, Boeing requests *in camera* treatment for trial testimony regarding: (a) the specifics of bids received and/or evaluated by Boeing in past thermo vacuum chamber procurements, and (b) Boeing's evaluation of vendors' past proposals.

On November 20, 2002, Complaint Counsel called Proulx as a witness in this matter. Also on November 20, 2002, according to Boeing, Complaint Counsel informed Boeing that Complaint Counsel intended to question Proulx about an additional document, CX 1573, that had not been designated as a trial exhibit at the time Boeing filed its initial motion for *in camera* treatment. Pursuant to 16 C.F.R. § 3.45(g), on November 20, 2002, provisional *in camera* treatment was granted for CX 1573 and for portions of Proulx's trial testimony.

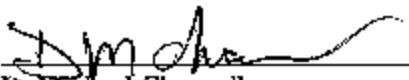
On December 6, 2002, pursuant to 16 C.F.R. § 3.45 and in accordance with the Administrative Law Judge's direction at the hearing on November 20, 2002, Boeing filed an unopposed motion for *in camera* treatment of CX 1573 and the live testimony of Proulx regarding that document.

## II.

The Order on Non-Parties' Motions for *In Camera* Treatment of Documents Listed on Parties' Exhibit Lists, issued on November 1, 2002 sets forth the standards by which Boeing's motions for *in camera* treatment are evaluated. Boeing's December 6, 2002 motion is supported by the declaration of Marjorie Waltrip, in-house counsel for Boeing. According to this declaration, the disclosure of certain pages of CX 1573 and the portions of Proulx's testimony relating to this document would cause the loss of business advantage and serious and irreparable injury to Boeing. A review of the declaration in support of the motion, the document for which *in camera* treatment is sought, and the portions of Proulx's testimony that were granted provisional *in camera* status, reveals that this information meets the standards for *in camera* treatment.

Accordingly, Boeing's motions are GRANTED. *In camera* treatment, for a period of five years, to expire December 1, 2007, is hereby GRANTED to pages 3, 4, and 6 of CX 1573 and to the portions of Proulx's November 20, 2002 trial testimony that were previously granted provisional *in camera* treatment pursuant to 16 C.F.R. § 3.45(g).

ORDERED:

  
D. Michael Chappell  
Administrative Law Judge

Date: December 13, 2002