

Order

IN THE MATTER OF

CHICAGO BRIDGE & IRON COMPANY N.V.**ORDER GRANTING IN PART AND DENYING IN PART
RESPONDENTS' MOTION FOR IN CAMERA
TREATMENT OF MATERIAL PREVIOUSLY
DESIGNATED AS CONFIDENTIAL**

Pursuant to Commission Rule 3.45(b), Respondents Chicago Bridge & Iron Company N.V. and Chicago Bridge & Iron Company ("CB&I" or "the Respondents") have filed a Motion for *In Camera* Treatment of Material Previously Designated as Confidential ("the Motion"). The materials for which CB&I seeks *in camera* treatment consist of Attachment A to Complaint Counsel's Opposition to Respondents' Petition to Reconsider ("the Opposition") (Exhibit A of the Motion), related discussion on page 12 of the Opposition that was redacted from the public version of the Opposition, and portions of the Motion and Exhibit B of the Motion (Affidavit of Richard E. Goodrich). CB&I seeks *in camera* treatment of these materials for a period of five years.

CB&I asserts that the material in question was previously submitted to the Commission's staff and was designated highly confidential at that time. The Respondents claim that the material contains "highly confidential business information, the release or publication of which would substantially harm CB&I's business." Motion at 2. CB&I also maintains that it has endeavored to preserve the secrecy of this information. Complaint Counsel does not oppose Respondents' motion.

The Commission finds that CB&I has satisfied the standard set forth in Commission Rule 3.45(b) and shown that the disclosure of the information for which it seeks *in camera* treatment would likely result in "clearly defined, serious injury." 16 C.F.R. § 3.45(b). *See H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961); *Bristol-Myers Co.*, 90 F.T.C. 455, 456 (1977); *General Foods Corp.*, 95 F.T.C. 352, 355 (1980). The Commission,

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however, is not persuaded that *in camera* treatment should be granted for the five-year period requested by CB&I. The information for which such treatment is being granted is temporal in nature, and its competitive sensitivity is likely to diminish over time. Accordingly, the Commission believes that a two-year period is appropriate.

IT IS THEREFORE ORDERED that (a) Exhibit A to the Motion and (b) those portions of the Motion, Exhibit B thereto, and the Opposition that were redacted in the public record shall be afforded *in camera* treatment for a period of two years from the date of this Order, at which time Respondents may show cause why those materials should not be made public.

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IN THE MATTER OF

CHICAGO BRIDGE & IRON COMPANY N.V.**DECISION AND ORDER PARTIALLY DENYING
RESPONDENTS' PETITION FOR RECONSIDERATION
AND DIRECTING FURTHER BRIEFING
ON SPECIFIC REMEDY ISSUES****I. Introduction**

On December 21, 2004, we issued our final decision in this matter and found that the acquisition by Chicago Bridge & Iron Company N.V. and Chicago Bridge & Iron Company ("CB&I" or "Respondents") of certain Pitt-Des Moines, Inc. ("PDM") assets was likely to lessen competition substantially in four relevant markets in the United States: (1) field-erected liquefied natural gas ("LNG") storage tanks; (2) field-erected liquefied petroleum gas ("LPG") storage tanks; (3) field-erected liquid nitrogen, oxygen, and argon ("LIN/LOX") storage tanks; and (4) thermal vacuum chambers ("TVCs").¹ Having concluded that the

¹ This Decision and Order uses the following abbreviations for third-party companies referenced herein: American Tank & Vessel, Inc. ("AT&V"), Aker Kvaerner ("Kvaerner"), Bechtel Corporation ("Bechtel"), British Petroleum ("BP"), Cheniere Energy, Inc. ("Cheniere"), CMS Energy ("CMS"), Dynegy, Inc. ("Dynegy"), El Paso Corp. ("El Paso"), Freeport LNG Development LP ("Freeport LNG"), Ishikawa Heavy Industries ("IHI"), Matrix Service Co. ("Matrix"), Memphis Light, Gas & Water ("MLGW"), Sempra Energy LNG ("Sempra"), S.N. Technigaz ("Technigaz"), Skanska AB ("Skanska"), Toyo Kanetsu K.K. ("TKK"), TRW Space & Electronics ("TRW"), Whessoe International ("Whessoe"), Yankee Gas Services Co. ("Yankee Gas"), Zachry Construction Corporation ("Zachry"). All other company references use the company's full name or the only name referred to in the record.