

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>9</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2010-175 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2010-175. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2010-175 and should be submitted on or before January 6, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. 2010-31630 Filed 12-15-10; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 500-1]

**In the Matter of Alternate Energy Holdings, Inc.; Order of Suspension of Trading**

December 14, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Alternate Energy Holdings, Inc. ("AEHI") because of questions regarding the accuracy and adequacy of disclosures by AEHI concerning, among other things: (1) The stock sales of certain AEHI officers, (2) the status and viability of funding to build a nuclear reactor, and (3) executive compensation. AEHI is quoted on the OTC Bulletin Board and on the Pink Sheets operated by Pink OTC Markets, Inc. under the ticker symbol "AEHI."

The Commission is of the opinion that the public interest and the protection of

investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EST, on December 14, 2010 through 11:59 p.m. EST, on December 28, 2010.

By the Commission.

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. 2010-31698 Filed 12-14-10; 4:15 pm]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA-2010-1220]

**Airport Improvement Program: Proposed Changes to Benefit Cost Analysis (BCA) Threshold**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of Availability of Draft Guidance and Request for Comments.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this Notice to advise that FAA has developed draft guidance modifying its policy requiring benefit cost analyses (BCA) for capacity projects when applying for Airport Improvement Program (AIP) grants for capacity projects at the discretion of the Secretary of Transportation. This modification proposes to raise the threshold at which BCAs are required, from \$5 million to \$10 million in AIP Discretionary funds.

FAA invites airport sponsors and other interested parties to comment on the draft guidance. FAA will consider these comments in promulgating final BCA guidance for airport sponsors.

**DATES:** Send your comments on or before January 31, 2011. The FAA will consider comments received on the proposed policy guidance. Any necessary or appropriate revision to the guidance resulting from the comments received will be adopted as of the date of a subsequent publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Dennis Walsh, Financial Analysis and Passenger Facility Charge Branch (APP-510), Room 619, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591;

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

telephone: (202) 493-4890, e-mail: [dennis.walsh@faa.gov](mailto:dennis.walsh@faa.gov). A draft Program Guidance Letter is available on-line at [http://www.faa.gov/airports/aip/bc\\_analysis/](http://www.faa.gov/airports/aip/bc_analysis/). In addition, hard copies can be reviewed at Room 619, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

**Comments Invited: ADDRESSES:** You may send comments [identified by Docket Number FAA-2010-1220] using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Fax:* 1-202-493-2251.

- *Hand Delivery:* To Docket

Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Title 49 U.S.C. Section 47115(d) specifies that, in selecting projects for discretionary grants to preserve and enhance capacity at airports, the Secretary must consider the benefits and costs of the projects. In 1994, FAA established its policy on Benefit Cost Analysis (BCA) requirements for airport capacity projects; factors leading to these requirements included:

- a. The need to improve the effectiveness of Federal airport infrastructure investments in light of a decline in Federal AIP budgets;

- b. Issuance of Executive Order 12893, "Principles for Federal Infrastructure Investments" (January 26, 1994);

- c. Guidance from Congress citing the need for economic airport investment criteria; and

- d. Statutory language from 1994 included in Title 49 U.S.C. Section

47115(d) specifies that in selecting projects for discretionary grants to preserve and enhance capacity at airports, the Secretary shall consider the benefits and costs of the projects (See 49 U.S.C. 47115. Discretionary Fund).

The FAA implemented the BCA policy to include this requirement for capacity projects at all categories of airports in order to limit FAA's risks when investing large amounts of discretionary funds. The FAA uses the conclusions reached in the BCA review to determine policy and funding decisions on possible future Federal investments.

In 1997, FAA implemented a new BCA policy which transferred the responsibility of preparing the BCA from FAA to the sponsor. In addition, the policy lowered the dollar threshold from \$10 million in AIP Discretionary funds (established in 1994) to \$5 million, citing three reasons related to Executive Order 12893, technical feasibility of lowering the threshold and workload considerations.

The change to the \$5 million threshold was made policy in 1997 and formalized in a 1999 **Federal Register** notice, *Federal Aviation Administration Policy and Final Guidance Regarding Benefit Cost Analysis (BCA) on Airport Capacity Projects for FAA Decisions on Airport Improvement Program (AIP) Discretionary Grants and Letters of Intent (LOI)*, 64 FR 70107 (December 15, 1999).

Since 1997, policy has required sponsors to conduct BCAs for capacity projects for which more than \$5 million in AIP Discretionary funding will be requested. In developing the draft guidance increasing the threshold, FAA reviewed the reasons why the BCA threshold amount was lowered in 1997 and concluded that the previous reasons do not present a sufficient basis to warrant maintaining the \$5 million level threshold today.

FAA has gained valuable experience assessing the implementation of the policy and the need to further clarify the threshold requirements for BCA. The \$5 million threshold has remained unchanged for over 13 years while the cost of construction has risen significantly. A construction cost of \$5 million in 1997 was equivalent to \$9.8 million in July 2008. The \$5 million threshold has required both FAA and sponsors of non-primary and non-hub primary airports to devote substantial financial and staff resources in preparing and evaluating BCAs for relatively small projects with readily apparent capacity benefits.

Based on the increase in construction costs, FAA has concluded that \$10

million in AIP Discretionary funds is the appropriate threshold for fiscal year 2011 and beyond. Further explanation for this conclusion is detailed in the draft PGL. Under the draft guidance, the BCA threshold is being increased to \$10 million, the FAA would retain the right to require a BCA for any capacity project, in order to evaluate the reasonableness of project costs relative to project benefits.

Additionally, FAA is inviting airport sponsors and other interested parties to comment on the new \$10 million threshold for which a BCA must be performed.

Issued in Washington, DC on December 8, 2010.

**Frank San Martin,**

*Manager, Airports Financial Assistance Division.*

[FR Doc. 2010-31614 Filed 12-15-10; 8:45 am]

**BILLING CODE P**

---

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Compatibility Program Notice, Fort Worth Alliance Airport, Fort Worth, TX

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

---

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the city of Fort Worth, Texas under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On September 7, 2006, the FAA determined that the noise exposure maps submitted by the city of Fort Worth, Texas under Part 150 were in compliance with applicable requirements. Subsequent to this determination, the future condition noise exposure map was revised to reflect additional military operations proposed by the Department of Defense. This revision delayed acceptance of the future condition noise exposure map until May 5, 2009. On December 1, 2010, the FAA approved the Fort Worth Alliance Airport noise compatibility program. Most of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the city of Fort Worth.