

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

OCT 31 2014

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ALASKA COMMUNITY ACTION ON  
TOXICS and ALASKA CHAPTER OF  
THE SIERRA CLUB,

Plaintiffs - Appellants,

v.

AURORA ENERGY SERVICES, LLC  
and ALASKA RAILROAD  
CORPORATION,

Defendants - Appellees.

No. 13-35709

D.C. No. 3:09-cv-00255-TMB  
District of Alaska,  
Anchorage

ORDER

Before: FARRIS, D.W. NELSON, and NGUYEN, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judge Nguyen votes to deny the petition for rehearing en banc and Judges Farris and Nelson so recommend.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P.

35.

The petition for panel rehearing and the petition for rehearing en banc are denied.