

Attestation by Employers Using Alien Crewmembers for Longshore Activities At Locations in the State of Alaska

U.S. Department of Labor  
Employment and Training Administration



OMB Approval No. 1205-0352 Exp. 10/31/2014

1. Full Legal Name of Company <u>Boyang Ltd.</u>	5. Name of U.S. Agent <u>Trans Pac. Inc.</u>
2. Headquarters Address (No., St., City, State, Zip Code, Country) <u>8th FL DK BLDG, 1211-7 Choryang 1-Dong Dong-Gu, Busan, Republic of Korea</u>	6. U.S. Business Address of Agent (No., St., City, State, Zip Code) <u>130 Nickerson St., Ste. 313, Seattle, WA 98109</u>
3. Telephone (Area Code and Number) <u>82-51-463-1371</u>	7. Telephone of Agent (Area Code and Number) <u>(206) 285-5271</u> Fax (Area Code and Number) <u>(206) 285-4537</u>
4. Name of Chief Executive Officer <u>Mr. Ilho Kim</u>	

8. EMPLOYER ATTESTATION (Use attachment if additional space is needed or multiple locations are covered.)

(a) It is anticipated that longshore activities will be performed at the following times and locations in the State of Alaska (check appropriate box(es) below for each activity of longshore work to be performed):

First Performance of Activity (month/day/year) <u>January 1, 2014</u>	Location (name of port, city, or other geographical reference point) <u>See Attached List</u>
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(i) Loading cargo  
 (ii) Unloading cargo  
 (iii) Operation of cargo-related equipments  
 (iv) Handling of mooring lines

(b) Before using alien crewmen to perform any longshore activity, a bona fide request will be made to the parties to whom notice has been provided under Item 8(e)(ii) and (iii) below, for United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity at the particular time and location, except that

(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a labor organization described in 8(e)(i) below, the request for longshore workers may be made to only one such contract stevedoring company, and

(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshore and Harbor Workers' Compensation Act

(c) All United States longshore workers who are made available in response to the request for dispatch as attested at Item 8(b) above and who are qualified, available in sufficient numbers, and needed to perform the longshore activity at the particular time and location, will be employed to perform such activity.

(d) The use of alien crewmembers in any employ to perform any longshore activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska

(e) As of this date, notice of this attestation has been provided to (include copies of actual notices):

(i) Labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers and which make available or intend to make available longshore workers to the particular location(s) where the longshore work is to be performed;

(ii) Contract stevedoring companies which employ or intend to employ United States longshore workers at the particular location(s) where the longshore work is to be performed; and

(iii) Operators of private docks at which workers in my employ will perform any longshore activity.

9. DECLARATION OF EMPLOYER: Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the information provided on this form and accompanying documentation is true and correct. In addition, I declare that I will comply with the Department of Labor regulations governing this program and, in particular, that I will make this attestation, supporting documentation, and other records, files and documents available to officials of the Department, upon such official's request, during any investigation under this attestation or the immigration and Nationality Act.

[Signature]  
Signature of Chief Executive Officer  
(or such Officer's U.S. Agent or Designee)

11/22/2013  
Date

FOR U.S. GOVERNMENT AGENCY USE ONLY: By virtue of my signature below, I acknowledge that this program attestation is accepted for filing on 12/9/13 (date) and will be valid for the longshore activities at locations in the state of Alaska herein attested to from 11/14 (beginning date) through 12/31/14 (date two years from the beginning date).

[Signature] Signature of Authorized DOL Official  
400052 ETA Case No.

Subsequent DOL action: Suspended \_\_\_\_\_ Invalidated \_\_\_\_\_ Withdrawn \_\_\_\_\_

The Department of Labor is not the guarantor of the accuracy, truthfulness or adequacy of an attestation accepted for filing.

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondents' obligations to reply to these reporting requirements are mandatory. (6 U.S.C. 1101 et seq.) Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Foreign Labor Certification, 200 Constitution Avenue, N.W., Room C4312, Washington, D.C. 20210 (Paperwork Reduction Project 1205-0352).

**ATTESTATION BY EMPLOYERS USING ALIEN CREWMEMBERS  
FOR LONGSHORE ACTIVITIES AT LOCATIONS IN THE STATE OF ALASKA**

**IMPORTANT: READ CAREFULLY BEFORE COMPLETING FORM**

Submit the completed original Form ETA 9033-A with accompanying documentation along with two copies of the form and accompanying documentation. Attestation must be received by the Department of Labor no later than 30 days prior to the first performance of the longshore activity (or anytime up to 24 hours before the first performance on the activity upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at the time). Attestations which are filed less than 30 days prior to the first performance of the longshore activity must include supporting documentation to show that the employer could not have reasonably anticipated the need to file attestation for that location at that time.

To knowingly furnish any false information in the preparation of this form and any supporting documentation thereto, or to aid, abet or counsel another to do so is a felony, punishable by \$10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001). Other penalties apply as well to fraud and misuse of this immigration document (18 U.S.C. 1546) and to perjury with respect to this form (18 U.S.C. 1546 and 1621).

Print legibly in ink or use a typewriter. Sign and date one form in original signature. Citations below to "regulations" are citations to 20 CFR Part 655, Subparts F and G.

- Item 1. Name of Company. Enter full legal name of business, firm or organization, or if an individual, enter name used for legal purposes on documents.
- Item 2. Address of Company. Self Explanatory.
- Item 3. Telephone Number. Include area code or international calling code.
- Item 4. Name of Chief Executive Officer. Self explanatory.
- Item 5. Name of U.S. Agent. Self Explanatory.
- Item 6. Address of Agent. This address must be in the U.S.
- Item 7. Telephone Number. Include fax number, if available.

Item 8. Employer Attestation. An employer must attest to the conditions listed in elements (b) through (e). The attestation will only be accepted for filing if the required documentation supporting elements 8(e) is attached to the Form ETA 9033-A. See §655.537 of the regulations for guidance on the documentation that must be attached to the Form ETA 9033-A to support element 8(e). The employer must check the appropriate box(es) 8(a) (i) through (iv) for each of the particular activities of longshore work to be performed.

Item 8(a): Bona Fide Request for Dispatch of U.S. Longshore Workers. The employer must attest that, before using alien crewmen to perform longshore work, he will make a bona fide request for the U.S. longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular times and locations specified. The request for dispatch must be directed to the parties to whom notice of filing is provided under attestation element 8(e) (ii) and (iii). Wherever two and more contract stevedoring companies have signed a joint collective bargaining agreement with a labor organization described in attestation element 8(e)(i), the employer may request longshore workers from only one of such contract stevedoring company. A request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 932). See § 655.534 of the regulations for a detailed explanation of this attestation element.

Item 8(b): Employment of all Qualified U.S. Longshore Workers Made Available in Sufficient Numbers. The employer must attest that all U.S. longshore workers made available in response to the request for dispatch under the first attestation element, item 8(b), who are qualified and available in sufficient number and who are needed to perform the longshore activity at the particular times and locations specified will be employed to perform such activity. See § 655.535 of the regulations for a detailed explanation of this attestation element.

Item 8(c): No Intention or Design to Influence Bargaining Representative Election. The employer must attest that the use of alien crewmembers to perform longshore activities is not intended or designed to influence an election for a bargaining representative for longshore workers in the State of Alaska. See § 655.536 of the regulations for detailed explanation of this attestation element.

Item 8(d): Notice of Filing. The employer must attest that at the time of filing the attestation, notice of filing has been provided to labor organizations which have been recognized as exclusive bargaining representatives of U.S. longshore workers and which make available or intend to make available workers to the particular locations where the longshore work is to be performed. Notice must also be provided to contract stevedoring companies which employ or intend to employ U.S. longshore workers at those locations, and to operators of private docks at which the employer will use longshore workers. See § 655.537 of the regulations for a detailed explanation of this attestation elements.

Item 9. Declaration of Employer. One copy of this form must bear the original signature of the chief executive officer (or the chief executive officer's designee) unless filing by facsimile transmission. See §655.532(a) of the regulations if filing by facsimile transmission. By signing this form, the chief executive officer is attesting to the conditions listed in item 8(a) through (c) and to the accuracy of the information provided elsewhere on the form and in supporting documentation. False statements are subject to federal criminal penalties, as stated above.

If the attestation bears the necessary entries of information and documentation, the Department of Labor may accept the attestation for filing and shall document such acceptance on each of the three Form ETA 9033A's submitted. A copy of the attestation form indicating the Department's acceptance, or notification of nonacceptance, will be returned to the employer. A copy of this attestation, along with accompanying documentation, will be available for public inspection at the Office of Foreign Labor Certification, 200 Constitution Avenue, N.W., Room C4312, Washington, D.C. 20210.

ALASKA EXCEPTION "LOCATIONS" LIST  
(Addendum to Form ETA 9033-A)

**Attestor:** Boyang Ltd.

(5 PAGES)

**Date:** November 21, 2013

**First Performance of Activity:** January 1, 2014 – All locations

**Activity:** (i) Loading Cargo; (ii) Unloading Cargo; (iii) Operation of cargo-related equipments -- All locations

**Locations:** See list below

**ALASKA PENINSULA SOUTH SIDE LOCATIONS**

Alinchak Bay	Kujulik Bay
Balboa Bay (North of Unga Island)	Kukak Bay
Belkofski Bay	Little Koniuji Island
Big Koniuji Island	Morzhovoi Bay
Chignik Bay	Nagai Island
Cold Bay	Pavlof Bay
Dolgoi Harbor	Sanak Island
Dorenoi Bay	Sand Point (Popof Island)
East Anchor Cove (Near False Pass)	Simeonof Island
Grosvold Bay (Korovin Island)	Squaw Harbor (Unga Island)
Ikatan Bay	Stepovak Bay
Ivanof Bay	Volcano Bay (Between Pavlof Bay & Belkofski Bay)
Kinak Bay	West Anchor Cove (Near False Pass)
King Cove	Zachary Bay (Unga Island)
Kuiukta Bay	

## ALEUTIAN ISLANDS LOCATIONS

Adak (Sweeper Cove; Adak Is.)  
Adak Bight (E. side; Adak Is.)  
Akutan Bay (Aktan Is.)  
Alimuda Bay (Unalaska Is.)  
Amchitka Island  
Amliia Island  
Aspid Bay (Unalaska Is.)  
Attu Island  
Banner Bay (Atka Is.)  
Bay of Waterfalls (Adak Is.)  
Beaver Bay (Atka Is.)  
Beaver Inlet (Unalaska Is.)  
Bechevin Bay (Atka Is.)  
Blind Cove (Adak Is.)  
Blue Berry Bay (Unalaska Is.)  
Boot Bay (Unalaska Is.)  
Broad Bay (Unalaska Is.)  
Chernofski Harbor (Unalaska Is.)  
Dutch Harbor (including Captains Bay,  
Summers Bay)  
Eagle Bay (Unalaska Is.)  
Egg Bay (Atka Is.)  
English Bay (Unalaska Is.)  
Explorer Bay (Atka Is.)  
Finger Bay (Adak Is.)  
Hive Bay (Unalaska Is.)  
Inanudak Bay (Umnak Is.)  
Kagalaska Island (E. of Adak Is.)  
Kalekta Bay (Unalaska Is.)  
Kashega Bay (Unalaska Is.)  
Kiska Island  
Kismaliuk Bay (Unalaska Is.)  
Kobakof Bay (Atka Is.)  
Korovin Bay (Atka Is.)  
Kuliliak Bay (Unalaska Is.)  
Kuluk Bay (Adak Is.)  
Little Sitkin Is.  
Litte Tanaga Is.  
Lost Harbor (Akun Is.)  
Makushin Bay (Unalaska Is.)  
Nazan Bay (Atka Is.)  
Open Bay (Unalaska Is.)  
Protection Bay (Unalaska Is.)  
Pumicestone Bay (Unalaska Is.)  
Raven Bay (Unalaska Is.)  
Russian Bay (Umnak Is.)  
Scabbard Bay (Adak Is.)  
Sedanka Is. (Beaver Inlet; Unalaska Is.)  
Semisopochnoi Is.  
Sergief Bay (Atka Is.)  
Skan Bay (Unalaska Is.)  
Staraya Bay (Unalaska Is.)  
Station Bay (Unalaska Is.)  
Tanaga Bay (Tanaga Is.)  
Three Arm Bay (Adak Is.)  
Three Island Bay (Unalaska Is.)  
Ulak Is.  
Umak Is.  
Usof Bay (Unalaska Is.)  
Wall Bay (Atka Is.)  
Wide Bay (Unalaska Is.)

### **BRISTOL BAY LOCATIONS**

Clarks Pt. (including Ekuk)	Port Moller
Crooked Island (near Togiak)	Nunavachak Bay
Egegik	Nushagak Bay
Hagemeister Strait	Summit Island (near Togiak)
Kvichak Bay	Togiak Bay
Port Heiden	Ugashik Bay

### **WEST COAST ALASKA AND OFFSHORE LOCATIONS**

Bethel	Kokechik Bay (near Cape Romanzof)
Besboro Island (Norton Sound)	Mekoryuk (Nunivak Island)
Black Rock (Norton Sound)	Port Clarence (Seward Peninsula)
Cape Avinof	St. George Island (Pribilof Islands)
Cape Denbigh (Norton Sound)	St. Michael (Norton Sound)
Cape Romanzof	St. Paul Island (Pribilof Islands)
Emmonak (Yukon River)	Security Cove (South of Goodnews Bay)
Egg Island (Norton Sound near St. Michael)	Toksook Bay (Nelson Island)
Goodnews Bay (near Plantinum)	Tanunuk (Nelson Island)
Klikitarik	Unalakteet (Norton Sound)

### **PRINCE WILLIAM SOUND, ALASKA LOCATIONS**

Cordova	Sawmill Bay (Evans Island)
Fox Farm (Shelter Bay; east of Evans Is.)	Sawmill Bay (Port Valdez)
Galena Bay	Stockdale Harbor (Montague Island)
Jack Bay	Tatitlik Narrows
Macleod Harbor (Montague Island)	Thumb Bay (Knight Island)
McPhearson Passage (Naked Island)	Two Moon Bay
Port Chalmers (Montague Island)	Unakwik Inlet
Port Etches (Hinchenbrook Island)	Valdez
Port Fidalgo	Zaikof Bay (Montague Island)
Rocky Bay (Montague Island)	

### **SOUTH CENTRAL/COOK INLET, ALASKA LOCATIONS**

Anchorage	Port Graham
Homer	Seldovia
Iniskin Bay (West side of Cook Inlet)	Seward
Kamishak Bay (West side of Cook Inlet)	

## **KODIAK/AFOGNAK ISLANDS & ALASKA PENINSULA LOCATIONS**

Afognak Bay (Afognak Island)	Old Harbor (East side of Kodiak Island)
Alitak Bay (South end of Kodiak Is.)	Paramanof Bay (Afognak Island)
Dry Spruce Bay (Kodiak Island)	Perenosa Bay (Afognak Island)
Izhut Bay (SE side of Afognak)	Port Bailey (Dry Spruce Bay; north end of Kodiak Island)
Kazakof Bay (Afognak Island)	Red Fox Bay (Afognak Island)
Kiliuda Bay (East side of Kodiak)	Seal Bay (Afognak Island)
Kizhuyak Bay (North side, Kodiak Is.)	Spiridon Bay (Afognak Island)
Kukak Bay (SE side, Alaska Peninsula)	Tonki Bay (Afognak Island)
Kodiak City	Uganik Bay (NW side of Kodiak Island)
Larsen Bay (West side of Kodiak Island)	Uyak Bay (West side of Kodiak Island)
Malina Bay (Afognak Island)	Viekoda Bay (NW side of Kodiak Island)
Monashka Bay (North side of Kodiak Is.)	Zachar Bay (West side of Kodiak Island)

## **SOUTHEAST ALASKA LOCATIONS**

Annette Bay (Annette Island)	Neets Bay (in Revillagigedo Island)
Bay of Pillars (West side of Kuiu Island)	Nutkwa Inlet (W. side Prince of Wales Island; N. of Long Is.)
Berners Bay (East side of Lynn Canal)	Pelican
Blank Inlet (Gravina Is. near Ketchikan)	Petersburg
Boca De Quadra	Port Camden (East side of Kuiu Island)
Bold Island (Revillagigedo Chanel near Ketchikan)	Port Conclusion (East side of Baranof Island)
Bostwck Inlet (Gravina Island across from Metlakatla)	Port Estrella (Prince of Wales Is.; SW of Craig)
Carroll Inlet (Revillagigedo Island)	Port San Antonio (Baker Is. opposite Cape Chirikof)
Cholmondeley Sound (Prince of Wales Is.)	Port Santa Cruz (Suemez Island, SW of Port Estrella)
Clover Bay (Prince of Wales Island)	Rowan Bay (West side of Kuiu Island)
Craig (Prince of Wales Island, west side)	Saginaw Bay (North side of Kuiu Island on Fredrick Sound)
Ebenkof Bay (Kuiu Island)	Security Bay (North side of Kuiu Island)
Excursion Inlet (North of Icy Strait)	Shelter Island (Lynn Canal)
Favorite Channel (South end of Lynn Canal)	Shipley Bay (Kosciusko Island, east of Kuiu Island)
Fresh Water Bay (East side of Prince of Wales Island)	Sitka
Fresh Water Bay —(East side of Chichagof Island)	Smeaton Bay
	Steamboat Bay (Noyes Island; west of

George Inlet (Revillagigedo Island)	Craig)
Hamilton Bay (West side of Kupreanof Is.)	
Hoonah	St. James Bay (West side of Lynn Canal)
Juneau	Tangas Harbor (Annette Island)
Kake (West side of Kupreanof Island)	Thorne Arm (Revillagigedo Island)
Kasaan Bay (East side Prince of Wales Is.)	Trocadero Bay (Prince of Wales Island, SE of Craig)
Keku Strait (Between Kuiu Is. & Kupreanof Is.)	Warmchuck Bay (Heceta Island; west of Prince of Wales Island)
Kell Bay (East side of Kuiu Is.)	Waterfall (Ulloa Channel between Prince of Wales & Suemez Island)
Ketchikan	Yakutat
Klawok (Prince of Wales Island, west side)	
Lincoln Island (Lynn Canal)	
Metlakatla (Annette Island)	
Moira Sound (including North Arm	
Niblack Anchorage, West Arm, & South Arm; Prince of Wales Island)	