SEP 11 2007

Mr. Chris Blanchard  
President  
Performance Coal Company  
P. O. Box 69  
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Approved Gas Well Permit, Section 75.1700, 30 CFR 75,  
Upper Big Branch Mine-South, I.D. No. 46-08436,  
Performance Coal Company, Montcoal, Raleigh County,  
West Virginia, Permit No. 17325-T9

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. #18A located on the subject mine property.

The permit is based upon an evaluation of the projected mine plan as shown on Form OG-45 dated August 8, 2007, and is issued in accordance with provisions of Section 75.1700, 30 CFR.

Should you have any questions concerning this matter, please contact William L. Ross at (304) 877-3900/Ext. 142.

Sincerely,

ROBERT G. HARDMAN

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office  
Inspector  
Field Office Supervisor  
Files/dac
SEP 11 2007

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Sincerely,

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4
PERMIT
TO EXTEND MINE WORKINGS
WITHIN THE 200 FOOT RADIUS OF OIL OR GAS WELLS

COMPANY: PERFORMANCE COAL CO.
MINE: UBBMC MCNTCOAL EAGLE
SEAM: EAGLE
DISTRICT: SHERMAN
COUNTY: RALEIGH
ADDRESS: PO BOX 69
CITY: NAOMA,
STATE: WV, ZIP: 25140
MINE PERMIT NUMBER: U00304292
PERMIT NUMBER: B00-1027
DATE: 08/17/2007

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF NEW RIVER ENERGY CORP. WELL NO. EUNICE #18A ABANDONED GAS WELL LOCATED ON THE WESTERN POCAHONTAS PROPERTIES FARM IN THE SHERMAN DISTRICT OF BOONE COUNTY AS SHOWN ON THE APPROVED ATTACHED MAP.

CONTINGENT UPON THE FOLLOWING:

1. MINING IS TO PERFORMED STRICTLY IN ACCORDANCE WITH THE MAP APPROVED BY THE DIVISION OF MINE HEALTH, SAFETY AND TRAINING HERETO.
2. A COPY OF THE PERMIT SHALL BE KEPT AT THE MINE.
3. THE PERMIT IS VOID UPON INSPECTOR'S RECOMMENDATION.
4. THE PERMIT IS NON-TRANSFERRABLE.

WELL OPERATOR: NEW RIVER ENERGY CORP.
WELL OPERATOR WELL NUMBER: EUNICE #18A
MINE OPERATOR WELL NUMBER: 18A

BY:

Ronald L. Wooten
DIRECTOR - WV MINERS' HEALTH, SAFETY AND TRAINING

ADMINISTRATOR - WV MINERS' HEALTH, SAFETY AND TRAINING

CCS:
NEW RIVER ENERGY CORP.
REGION: 4
NOTICE BY COAL OPERATOR OF INTENTION TO EXTEND MINE WORKING WITHIN 200 FEET OF WELL

COAL OPERATOR: Performing Coal Company
Address: P.O. Box 69, Naoma, WV 25410

MINE: Upper Big Branch
SECTION: Unit 2
OVERBURDEN: SS/Shale
COAL SEAM: Eagle
ROOF: Shale
BOTTOM: Shale

WELL TYPE: Oil, Gas
Liquid Injection
Waste Disposal

IF "Gas" Production: X
Underground storage
Deep
Shallow

LOCATION: Elevator: 2194.76
Watershed: Unnamed Tributary of Elk Run
County: Boone
District: Sherman
Quadrangle: Whitesville
Farm: Western Pocahontas Properties
Tract: 2702.07
Acre (Lease No.):

STATUS: Active  X  Abandoned  X  Drilling
Date completed or abandoned: October 22nd, 1988

AMOUNT OF CASING IN WELL: 13 - 3/8" (252), 9 -5/8" (1141), 7" (2314), 4 -1/2" (3952)
STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

COAL OPERATOR'S PETITION TO OPERATE
WITHIN 200 FEET OR TO MINE THROUGH A WELL

WELL TYPE: Oil X Gas X Liquid Injection X Waste Disposal X
(If Gas, Production X Underground X Storage X Deep X Shallow X)

LOCATION: Elevation: 2194.76' Watershed: Unnamed Tributary of Big Coal River

District: Sherman County: Boone Quadrangle: Whitesville

WELL OPERATOR: New River Energy Corp. DESIGNATED AGENT: Mr. Timothy E. Comer
Address 315 70th St. SE Address 315 70th St. SE
Charleston, WV 25304 Charleston, WV 25304

The undersigned coal operator hereby petitions for leave to do the following:

X Mine within 200 feet of said well.

Mine through said well when the same is properly plugged.

On the reverse side hereof is a copy of the map and plan of the undersigned coal operator showing its projected mine workings within 500 feet of said well.

The undersigned coal operator hereby represents that it will file updated or new maps and plans with the Department every six months, until mining within 500 feet of the well has ceased or until the well has been mined through.

Prior to the actual mining through of said well, the undersigned coal operator will submit the Form WR-35, Well Operator's Report of Drilling, Fracturing and/or Stimulating, or Physical Changes, Affidavit of Plugging and Filling Well, and the Form WR-38, to show that the well has been properly plugged in a manner to permit the safe mining through the well.

Copies of this petition and enclosed maps and plans have been sent by registered mail to the well operator, as required by Code 22A-2-75.

Performance Coal Company
Coal Operator

By GEORGE T. LEVO
Its Mining Engineer

STATE OF West Virginia,
COUNTY OF Raleigh, TO WIT:

I, GEORGE T. LEVO, being first duly sworn, deposes and says that
he is Mining Engineer of the coal operator named above, that he is familiar
with the facts set out both in the petition and on the accompanying maps and plans; and
that the same are true.

Subscribed and sworn to before me this August 8, 2007.

My commission expires June, 21st 2012.

Notary Public

WHOSE SEAL

Notary Public
August 9, 2007

Mr. Terry Farley
WV Department of Environmental Protection
Office of Miners Health Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311

Mr. Robert G. Hardman
MSHA District 4
100 Bluestone Road
Mount Hope, West Virginia 25880

Mr. Timothy E. Comer
New River Energy Corp.
351 70th St. SE
Charleston, West Virginia 25304

RE: Performance Coal Company – Mine Within 200' of API 47-005-01478 Gas Well No. POC 18A
   Upper Big Branch Mine
   MSHA ID: 46-08436
   State ID: U-3042-92

Dear Mr. Comer:

Enclosed please find a copy of Performance Coal Company’s Upper Branch South Mine, ID U-3042-92, Montcoal, Wes; Virginia, petition form OG-45 that has been submitted to the West Virginia Department of Environmental Protection for mining within 200'of New River Energy’s Well No. POC 18A, API #47-005-1478. If you have any questions or comments, please call me at 304-854-1761.

Respectfully,

Performance Coal Co.
George T. Levo
Mining Engineer