Ball Russell David Form 4 January 02, 2013

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

SECURITIES

OMB APPROVAL OMB

Number:

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Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, obligations Section 17(a) of the Public Utility Holding Company Act of 1935 or Section may continue.

30(h) of the Investment Company Act of 1940 See Instruction

(Middle)

1(b).

(Print or Type Responses)

1. Name and Address of Reporting Person *

Ball Russell David

2. Issuer Name and Ticker or Trading

Symbol

NEWMONT MINING CORP / DE/

[NEM]

3. Date of Earliest Transaction (Month/Day/Year)

12/31/2012

5. Relationship of Reporting Person(s) to

Issuer

(Check all applicable)

(Last) (First)

X_ Officer (give title

10% Owner Other (specify

below)

Director

EVP & CFO

6363 SOUTH FIDDLERS GREEN **CIRCLE**

> (Street) 4. If Amendment, Date Original

Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check

Applicable Line)

X Form filed by One Reporting Person Form filed by More than One Reporting

GREENWOOD VILLAGE, CO 80111

| (City) | (State) (Z | Zip) Table | e I - Noi | n-De | erivative S | ecuri | ties Acc | quired, Disposed | of, or Beneficial | lly Owned |
|---|---|---|--------------------------|------|--|-------|----------|--|--|---|
| 1.Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | Code (Instr. 8) | | 4. Securities nAcquired (A) or Disposed of (D) (Instr. 3, 4 and 5) (A) or | |) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
| Common Stock, \$1.60 par value | 07/16/2012 | | Code $G_{\underline{1}}$ | V | Amount 200 | (D) | Price | 56,491 | D | |
| Common Stock, \$1.60 par value | 07/16/2012 | | G <u>(1)</u> | V | 200 | A | \$ 0 | 200 | I | By Son I |
| Common Stock, | 07/16/2012 | | G <u>(1)</u> | V | 200 | D | \$0 | 56,291 | D | |

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| \$1.60 par value | | | | | | | |
|---|------------|------------|---|-----|-----------|---|-------------------|
| Common Stock, \$1.60 par value | 07/16/2012 | G(1) V 200 | A | \$0 | 200 | I | By Son II |
| Common Stock, \$1.60 par value | 07/16/2012 | G(1) V 200 | D | \$0 | 56,091 | D | |
| Common Stock, \$1.60 par value | 07/16/2012 | G(1) V 200 | A | \$0 | 200 | I | By Son III |
| Common Stock, \$1.60 par value | 07/16/2012 | G(1) V 200 | D | \$0 | 55,891 | D | |
| Common Stock, \$1.60 par value | 07/16/2012 | G(1) V 200 | A | \$0 | 200 | I | By Son IV |
| Common Stock, \$1.60 par value | | | | | 2,032 (2) | I | By 401(k) Plan |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of SEC 1474 information contained in this form are not (9-02) required to respond unless the form displays a currently valid OMB control number.

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of | 2. | 3. Transaction Date | 3A. Deemed | 4. | 5. | 6. Date Exerc | cisable and | 7. Title and A | mount of | 8. Price of |
|-------------|-------------|---------------------|--------------------|------------|------------|---------------------|-----------------|-----------------|------------|-------------|
| Derivative | Conversion | (Month/Day/Year) | Execution Date, if | Transactio | onNumber | Expiration Da | ate | Underlying S | ecurities | Derivative |
| Security | or Exercise | | any | Code | of | (Month/Day/ | Year) | (Instr. 3 and 4 | !) | Security |
| (Instr. 3) | Price of | | (Month/Day/Year) | (Instr. 8) | Derivative | ; | | | | (Instr. 5) |
| | Derivative | | | | Securities | | | | | |
| | Security | | | | Acquired | | | | | |
| | | | | | (A) or | | | | | |
| | | | | | Disposed | | | | | |
| | | | | | of (D) | | | | | |
| | | | | | (Instr. 3, | | | | | |
| | | | | | 4, and 5) | | | | | |
| | | | | Code V | (A) (D) | Data | Evaluation | Tiele | A manust | |
| | | | | Code V | (A) (D) | Date Exercisable | Expiration Date | Title | Amount | |
| | | | | | | Exercisable | Date | | or | |

Number of Shares

Phantom Stock (3) 12/31/2012 A 10 (4) Common Stock 10 \$46.44

Reporting Owners

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

Ball Russell David

6363 SOUTH FIDDLERS GREEN CIRCLE EVP & CFO

GREENWOOD VILLAGE, CO 80111

Signatures

Logan H. Hennessey, Assistant Secretary, as attorney-in-fact 01/02/2013

**Signature of Reporting Person Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
 - This transaction involved gifts of securities by the reporting person to four (4) of his minor sons, who share the reporting person's
- (1) household. As of December 31, 2012, the reporting person indirectly held 800 shares of Newmont Mining common stock by virtue of the aforementioned gifts.
- (2) As of December 31, 2012, the reporting person held 2,032 shares of Newmont Mining common stock in his 401(k) Plan.
- (3) Converted on a 1-for-1 basis.
- (4) Shares of phantom stock are payable in cash following termination of the reporting person's employment with the Issuer or pursuant to elective distributions in accordance with the terms and conditions of the Savings Equalization Plan of the Issuer.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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