#### NEWMONT MINING CORP /DE/

Form 4

March 01, 2013

# FORM 4

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

Check this box if no longer

subject to Section 16. Form 4 or Form 5

obligations

may continue. See Instruction STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF **SECURITIES** 

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

30(h) of the Investment Company Act of 1940

1(b).

(Last)

**CIRCLE** 

(Print or Type Responses)

1. Name and Address of Reporting Person \* **OBRIEN RICHARD T** 

(First)

6363 SOUTH FIDDLERS GREEN

2. Issuer Name and Ticker or Trading

3. Date of Earliest Transaction

Symbol

**NEWMONT MINING CORP / DE/** [NEM]

(Middle)

(Month/Day/Year)

02/27/2013

(Check all applicable)

X\_ Officer (give title below)

Issuer

10% Owner Other (specify

**OMB APPROVAL** 

3235-0287

January 31,

2005

0.5

OMB

Number:

Expires:

response...

Estimated average

burden hours per

Director & CEO

(Street) 4. If Amendment, Date Original

Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check

5. Relationship of Reporting Person(s) to

Applicable Line)

\_X\_ Director

\_X\_ Form filed by One Reporting Person Form filed by More than One Reporting

**GREENWOOD** VILLAGE, CO 80111

(City)	(State)	(Zip) Tab	ole I - Non-	-Derivative	Secu	rities Acquir	red, Disposed of,	or Beneficiall	y Owned
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transactic Code (Instr. 8)	omr Dispos (Instr. 3,	ed of	5)	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	02/27/2013		A	42,358	` ´	\$ 0	332,898	D	
Common Stock, \$1.60 par value	02/27/2013		F	6,577 (1)	D	\$ 40.915	326,321	D	
Common Stock,	02/28/2013		S	6,522 (2)	D	\$ 40.0235	319,799	D	

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(3) \$1.60 par

value

Common Stock. \$1.60 par

 $2,059^{(4)}$ 

Ι

By 401(k) Plan

(9-02)

Shares

9. Nu Deriv Secu Bene Own Follo Repo Trans (Insti

value

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

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

I S	1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. onNumber of Derivative Securities Acquired (A) or Disposed of (D)			7. Title and Amount of Underlying Securities (Instr. 3 and 4)		8. Price o Derivativ Security (Instr. 5)
						(Instr. 3, 4, and 5)					
							Date Exercisable	Expiration Date	Title	Amount or Number	

### **Reporting Owners**

Relationships Reporting Owner Name / Address

> Director 10% Owner Officer Other

Code V (A) (D)

**OBRIEN RICHARD T** 

6363 SOUTH FIDDLERS GREEN CIRCLE X Director & CEO

GREENWOOD VILLAGE, CO 80111

### **Signatures**

Logan H. Hennessey, Assistant Secretary, as attornery-in-fact

03/01/2013

\*\*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).

Reporting Owners 2

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- (1) Represents shares reacquired to sastisfy tax withholding obligations in connection with shares of common stock issued to the reporting person on February 27, 2013.
- (2) The sale reported in this Form 4 was effected pursuant to a Rule 10b5-1 trading plan adopted by the reporting person solely to cover taxes and fees.
- This transaction was executed in multiple trades at prices of \$39.9901 to \$40.12. The price reported above reflects the weighted average (3) sale price. The reporting person undertakes to provide (upon request by the SEC staff, the issuer, or a security holder of the issuer) full information regarding the number of shares sold at each separate price).
- (4) As of February 28, 2013, the reporting person held 2,059 shares of Newmont Mining common stock in his 401(k) Plan.

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.