

KERR THOMAS R.  
Form 3  
January 11, 2010

**FORM 3 UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

OMB APPROVAL

OMB Number: 3235-0104  
Expires: January 31, 2005  
Estimated average burden hours per response... 0.5

**INITIAL STATEMENT OF 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

(Print or Type Responses)

|   |         |                                      |  |  |
|---|---------|--------------------------------------|--|--|
| 1. Name and Address of Reporting Person * |         | 2. Date of Event Requiring Statement | 3. Issuer Name <b>and</b> Ticker or Trading Symbol |  |
| KERR THOMAS R.                            |         | (Month/Day/Year)                     | NEWMONT MINING CORP /DE/ [NEM]                     |  |
| (Last)                                    | (First) | (Middle)                             | 01/01/2010   |  |
| 6363 SOUTH FIDDLERS GREEN CIRCLE          |         |                                      | 4. Relationship of Reporting Person(s) to Issuer   | 5. If Amendment, Date Original Filed(Month/Day/Year)                   |
| (Street)                                  |         |                                      | (Check all applicable)                             |  |
| GREENWOOD VILLAGE, CO 80111               |         |                                      | <input type="checkbox"/> Director                  | <input type="checkbox"/> 10% Owner                                     |
| (City)                                    | (State) | (Zip)                                | <input checked="" type="checkbox"/> Officer        | <input type="checkbox"/> Other   |
|   |         |                                      | (give title below)                                 | (specify below)  |
|   |         |                                      | VP North American Operations                       | 6. Individual or Joint/Group Filing(Check Applicable Line)             |
|   |         |                                      |  | <input checked="" type="checkbox"/> Form filed by One Reporting Person |
|   |         |                                      |  | <input type="checkbox"/> Form filed by More than One Reporting Person  |

**Table I - Non-Derivative Securities Beneficially Owned**

| 1. Title of Security (Instr. 4) | 2. Amount of Securities Beneficially Owned (Instr. 4) | 3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5) | 4. Nature of Indirect Beneficial Ownership (Instr. 5) |
|---------------------------------|---|--|---|
| Common Stock, \$1.60 par value  | 4,458 <sup>(1)</sup> <sup>(2)</sup>                   | D  | ^   |

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

SEC 1473 (7-02)

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

**Table II - Derivative Securities Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

| 1. Title of Derivative Security (Instr. 4) | 2. Date Exercisable and Expiration Date (Month/Day/Year) | 3. Title and Amount of Securities Underlying Derivative Security (Instr. 4) | 4. Conversion or Exercise Price of Derivative Security | 5. Ownership Form of Derivative Security: Direct (D) | 6. Nature of Indirect Beneficial Ownership (Instr. 5) |
|--|--|---|--|--|---|
|  |  | Title   |  |  |   |

Edgar Filing: KERR THOMAS R. - Form 3

|                             | Date Exercisable | Expiration Date |              | Amount or Number of Shares |           | or Indirect (I) (Instr. 5) |   |
|-----------------------------|------------------|-----------------|--------------|----------------------------|-----------|----------------------------|---|
| Stock Option (right to buy) | Â (3)            | 05/14/2012      | Common Stock | 1,500                      | \$ 28.56  | D                          | Â |
| Stock Option (right to buy) | Â (3)            | 11/20/2012      | Common Stock | 375                        | \$ 23.99  | D                          | Â |
| Stock Option (right to buy) | Â (4)            | 12/02/2013      | Common Stock | 2,250                      | \$ 49.725 | D                          | Â |
| Stock Option (right to buy) | Â (4)            | 04/27/2014      | Common Stock | 2,250                      | \$ 40.43  | D                          | Â |
| Stock Option (right to buy) | Â (4)            | 12/07/2014      | Common Stock | 2,250                      | \$ 45.74  | D                          | Â |
| Stock Option (right to buy) | Â (4)            | 04/27/2015      | Common Stock | 2,250                      | \$ 38.05  | D                          | Â |
| Stock Option (right to buy) | Â (5)            | 10/26/2015      | Common Stock | 2,250                      | \$ 45.16  | D                          | Â |
| Stock Option (right to buy) | Â (5)            | 04/26/2016      | Common Stock | 4,500                      | \$ 57.71  | D                          | Â |
| Stock Option (right to buy) | Â (6)            | 04/30/2017      | Common Stock | 4,500                      | \$ 42.06  | D                          | Â |
| Stock Option (right to buy) | Â (7)            | 04/28/2018      | Common Stock | 5,400                      | \$ 44.49  | D                          | Â |
| Stock Option (right to buy) | Â (8)            | 05/04/2019      | Common Stock | 10,993                     | \$ 39.95  | D                          | Â |

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |           |         |                                |
|---|---------------|-----------|---------|--------------------------------|
|   | Director      | 10% Owner | Officer | Other                          |
| KERR THOMAS R.<br>6363 SOUTH FIDDLERS GREEN CIRCLE<br>GREENWOOD VILLAGE, CO 80111 | Â             | Â         | Â       | VP North American Operations Â |

## Signatures

Ardis Young, Assistant Secretary  
01/11/2010

\_\_Signature of Reporting Person Date

## Explanation of Responses:

- \* If the form is filed by more than one reporting person, see Instruction 5(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).
- (1) Includes 3,049 restricted stock units representing a right to receive one share of the Issuer's common stock in accordance with the terms and conditions of the Reporting Person's restricted stock unit agreements. Restricted stock units vest in three equal annual installments

## Edgar Filing: KERR THOMAS R. - Form 3

beginning the first anniversary of the date of grant. The restricted stock units held by the Reporting Person will vest as follows: 199 units on April 30, 2010; 224 units on April 28, 2010 and 227 units on April 28, 2011; 89 units on May 4, 2010, 2011 and 2012; and 710 units on February 23, 2010 and 711 units on February 23, 2011 and 2012.

- (2) As of December 31, 2009 the reporting person held 6,609 shares of Newmont Mining Corporation common stock in his 401(k) Plan.
- (3) The stock options vested in four equal annual installments beginning the first anniversary of the grant date and are fully vested.
- (4) The stock options vested in two equal annual installments beginning the first anniversary of the grant date and are fully vested.
- (5) The stock options vested in three equal annual installments beginning the first anniversary of the grant date and are fully vested.
- (6) The stock options vest in three equal annual installments beginning the first anniversary of the grant date and the remaining installment will vest April 30, 2010.
- (7) The stock options vest in three equal annual installments beginning the first anniversary of the grant date and the remaining installments will vest April 28, 2010 and April 28, 2011.
- (8) The stock options vest in three equal annual installments beginning the first anniversary of the grant date on May 4, 2010, May 4, 2011 and May 4, 2012.

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.