

NEWMONT MINING CORP /DE/

Form 4

January 02, 2003

**FORM 4**

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

OMB APPROVAL

\_\_ Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP**

OMB Number: 3235-0287  
Expires: January 31, 2005  
Estimated average burden hours per response. . .0.5

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

Filed By Romeo & Dye's Instant Form 4 Filer  
www.section16.net

1. Name and Address of Reporting Person* <b>Harquail, David</b> (Last) (First) (Middle) <b>1700 Lincoln Street</b>  (Street) <b>Denver, CO 80203</b>  (City) (State) (Zip)		2. Issuer Name and Ticker or Trading Symbol <b>Newmont Mining Corporation NEM</b>			6. Relationship of Reporting Person(s) to Issuer (Check all applicable) __ Director — __ 10% Owner — <input checked="" type="checkbox"/> Officer (give title below) — Other (specify below)  <b>President and Managing Director, Newmont Capital Limited, an indirect wholly owned subsidiary of the Issuer</b>				
3. I.R.S. Identification Number of Reporting Person, if an entity (voluntary)		4. Statement for Month/Day/Year <b>12/30/02</b>		7. Individual or Joint/Group Filing (Check Applicable Line) <input checked="" type="checkbox"/> Form filed by One Reporting Person __ Form filed by More than One Reporting Person					
<b>Table I Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned</b>									
1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 & 5)			5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 & 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Ownership (Instr. 4)
			Code V	Amount	(A) or (D)	Price			
Common Stock (\$1.60 par value)	12/30/02		M	64,000	A	14.69			
Common Stock (\$1.60 par value)	12/30/02		M	49,280	A	10.72			
Common Stock (\$1.60 par value)	12/30/02		J	10,300 <sup>(1)</sup>			10,300	I by spouse's retirement plan	
Common Stock (\$1.60 par value)	12/30/02		J	11,447 <sup>(2)</sup>			11,447	I by retirement plan	
Common Stock (\$1.60 par value)	12/30/02		J	91,533			91,533	D	
Exchangeable Shares (3)							3,120	I by spouse's retirement plan	
Exchangeable Shares <sup>(3)</sup>							4,043	I by retirement plan	

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

\* If the form is filed by more than one reporting person, see Instruction 4(b)(v).

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**FORM 4 (continued) Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

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. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 & 5)		6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Underlying Securities (Instr. 3 & 4)	8. Price of Derivative Security (Instr. 5)	9. Number of Derivative Securities Beneficially Owned Following Reported Transaction(s) (Instr. 4)	10. Ownership Form of Derivative Security: Direct (D) or Indirect (I) (Instr. 4)	11. Nature of Indirect Beneficial Ownership (Instr. 4)
				Code	V	(A)	(D)	Date Exercisable	Expiration Date	Title					
Stock Option (right to buy)	14.69	12/30/02		M		64,000		(4)	6/26/05	Common Stock	64,000		0		
Stock Option (right to buy)	10.72	12/30/02		M		49,280		(5)	6/26/05	Common Stock	49,280		0		

Explanation of Responses:

(1) Upon exercise of the reporting person's stock option, the reporting person deposited 10,300 shares in the reporting person's spouse retirement plan.

(2) Upon exercise of the reporting person's stock options, the reporting person deposited 11,447 shares in the reporting person's retirement plan.

(3) The Exchangeable Shares are shares of stock of 4011686 Canada Inc., a corporation existing under the laws of Canada and wholly owned subsidiary of the Issuer, that are convertible into common stock of the Issuer on a one-for-one basis at the option of the holder, pursuant to the terms set forth in the provisions attaching to the Exchangeable Shares (the "Provisions") set forth as Appendix 1 to Schedule B of that certain Arrangement Agreement, dated November 14, 2001, between Franco-Nevada Mining Corporation Limited and Newmont USA Limited (formerly known as Newmont Gold Company and formerly known as Newmont Mining Corporation). Pursuant to that certain Voting and Exchange Trust Agreement between the Issuer, 4011686 Canada Inc. and Computershare Trust Company of Canada Limited (the "Trustee"), holders of Exchangeable Shares are entitled to direct the Trustee to cast the votes attaching to the share of the Special Voting Stock of the Issuer held by the Trustee, on all matters submitted to the stockholders of the Issuer. The Exchangeable Shares remain exchangeable at the option of the holder until redeemed by the Issuer pursuant to, and subject to the conditions of, the Provisions.

(4) This option vested pursuant to the Plan of Arrangement between Franco-Nevada Mining Corporation Limited and Newmont Mining Corporation dated November 14, 2002.

(5) This option vested pursuant to the Plan of Arrangement between Franco-Nevada Mining Corporation Limited and Newmont Mining Corporation dated November 14, 2002.

(6) David Harquail has executed a power of attorney, a copy of which has been previously filed, that authorizes Ardis Young to sign this Form 4 on his behalf.

By: /s/ **Ardis Young, Attorney in Fact for David Harquail**<sup>(6)</sup>

**January 2, 2003**  
Date

\*\*Signature of Reporting Person

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\*\*Intentional misstatements or omissions of facts constitute Federal Criminal Violations.  
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed.  
If space is insufficient, See Instruction 6 for procedure.

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