

# NEWMONT MINING CORP /DE/

## FORM 11-K (Annual Report of Employee Stock Plans)

Filed 06/27/08 for the Period Ending 12/31/07

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CIK	0001164727
Symbol	NEM
SIC Code	1040 - Gold And Silver Ores
Industry	Gold & Silver
Sector	Basic Materials
Fiscal Year	12/31

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

**FORM 11-K**

(Mark One)

**ANNUAL REPORT PURSUANT TO SECTION 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 [FEE REQUIRED]**

For the fiscal year ended December 31, 2007

Or

**TRANSITION REPORT PURSUANT TO SECTION 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 [NO FEE REQUIRED]**

For the transition period from \_\_\_\_\_ to \_\_\_\_\_

Commission file number 001-31240

A. Full title of the plan and the address of the plan, if different from that of the issuer named below:

**RETIREMENT SAVINGS PLAN FOR HOURLY-RATED  
EMPLOYEES OF NEWMONT**  
(Title of Plan)

B. Name of issuer of the securities held pursuant to the plan and the address of its principal executive office:

**NEWMONT MINING CORPORATION**

(Issuer of Securities)

**1700 Lincoln Street  
Denver, Colorado 80203**  
(Principal Executive Office)

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**Newmont**

*Retirement Savings Plan for Hourly-Rated Employees of Newmont*

Financial Statements as of December 31, 2007 and 2006 and for the years ended December 31, 2007 and 2006 and Supplemental Schedule as of December 31, 2007.

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## Report of Independent Registered Public Accounting Firm

To the Participants and Administrator of the

### **Retirement Savings Plan for Hourly-Rated Employees of Newmont**

We have audited the accompanying statements of net assets available for plan benefits of the Retirement Savings Plan for Hourly-Rated Employees of Newmont (the "Plan") as of December 31, 2007 and 2006 and the related statements of changes in net assets available for plan benefits for the years then ended. These financial statements are the responsibility of the Plan's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with standards of the Public Company Accounting Oversight Board (United States). Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the net assets available for plan benefits of the Retirement Savings Plan for Hourly-Rated Employees of Newmont as of December 31, 2007 and 2006 and the changes in net assets available for plan benefits for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental schedule of assets (held at end of year) is presented for the purpose of additional analysis and is not a required part of the basic financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974. This supplemental schedule is the responsibility of the Plan's management. The supplemental schedule has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

/s/ Causey Demgen & Moore Inc.

**Causey Demgen & Moore Inc.**  
**Denver, Colorado**  
**June 27, 2008**

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**Newmont***Retirement Savings Plan for Hourly-Rated Employees of Newmont***Statements of Net Assets Available for Plan Benefits**

	<u>As of December 31,</u>	
	<u>2007</u>	<u>2006</u>
<b>Assets</b>		
Investments, at fair value:		
Investments in registered investment companies	\$48,932,649	\$43,841,547
Investments in employer stock	11,413,101	10,631,115
Investments, at estimated fair value:		
Loans to participants	4,288,986	3,801,282
<b>Net assets available for plan benefits</b>	<u>\$64,634,736</u>	<u>\$58,273,944</u>

The accompanying notes are an integral part of these financial statements.

**Newmont***Retirement Savings Plan for Hourly-Rated Employees of Newmont***Statement of Changes in Net Assets Available for Plan Benefits**

	<b>Year Ended December 31,</b>	
	<b>2007</b>	<b>2006</b>
<b>Additions to net assets attributed to</b>		
<b>Investment income</b>		
Dividend income, common stock	\$ 95,974	\$ 90,161
Dividend income, registered investment companies	2,351,359	1,656,382
Interest income, participant loans	304,282	248,653
Net appreciation in the fair value of investments (Notes 2 and 3)	1,872,234	1,650,262
Other additions	3,657	—
Net investment gain	<u>4,627,506</u>	<u>3,645,458</u>
<b>Contributions (Note 1)</b>		
Employer, net of forfeitures applied	2,415,431	2,019,034
Participant	4,894,806	4,280,252
Rollover	520,940	592,129
Total contributions	<u>7,831,177</u>	<u>6,891,415</u>
Transfers in from Retirement Savings Plan of Newmont	14,949	2,037
Total additions	<u>12,473,632</u>	<u>10,538,910</u>
<b>Deductions from net assets attributed to</b>		
Payment of benefits	(5,908,202)	(6,157,768)
Administrative and other expenses	(46,930)	(63,318)
Transfers out to Retirement Savings Plan of Newmont	(157,708)	(148,018)
Total deductions	<u>(6,112,840)</u>	<u>(6,369,104)</u>
Increase in net assets	6,360,792	4,169,806
Net assets available for plan benefits at beginning of year	<u>58,273,944</u>	<u>54,104,138</u>
Net assets available for plan benefits at end of year	<u>\$64,634,736</u>	<u>\$58,273,944</u>

The accompanying notes are an integral part of these financial statements.

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## **1. Description of the Plan**

The following description of the Retirement Savings Plan for Hourly-Rated Employees of Newmont (the “Plan”) is provided for general information purposes only. Participants should refer to the Plan document for more complete information.

The Plan was established effective October 1, 1991, by Newmont Mining Corporation (the “Company”) to qualify as a defined contribution, profit sharing plan under Section 401(k) of the Internal Revenue Code, for the benefit of eligible employees of the Company. Effective January 1, 2005, the Plan was amended and restated. The Plan is a collectively bargained, defined contribution plan subject to the provisions of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”). Benefits under the plan are not subject to guarantee by the Pension Benefit Guaranty Corporation.

### **Administration**

Trustee, record keeping and investment management services are performed by The Vanguard Fiduciary Trust Company, a member of the Vanguard Group, Inc. (“Trustee”).

The Plan is administered by the Administration Committee (the “Administration Committee”). The Administration Committee may retain independent advisors and consultants, and is responsible for administration and for managing the Plan’s activities. The Investment Committee, which consists of members appointed by the Company’s Board of Directors, reviews and selects the investment fund options offered under the Plan.

### **Eligibility and Contributions**

Employees scheduled to work 1,000 hours or more per year are eligible to participate in the Plan after performing one hour of service. Other employees are eligible to participate in the Plan after one year of service in which they complete 1,000 hours of service as defined by the Plan document. Participants may elect to contribute to the Plan, on a pre-tax or after-tax basis or combination thereof, from 1% to 100% of the Plan eligible compensation to a maximum \$15,500 and \$15,000 on a pre-tax basis for the 2007 and 2006 Plan years, respectively. On January 1, 2006, the Company amended the plan to allow for Roth contributions, which are after-tax contributions tracked in a separate account, but subject to the same limitations set forth above.

The Company’s matching contribution for each eligible active participant is limited to 6% (commencing February 2006 and 5% through January 2006) of participant’s eligible compensation. Participant’s contributions are matched by the Company in Company common stock. The number of Company shares contributed is based on the market price at the date of contribution. Total matching contributions are limited to a maximum of \$12,000 per participant for 2007 and 2006.

All employees who are eligible to make elective deferrals under this Plan and who have attained age 50 before the close of the Plan year are eligible to make catch-up contributions beyond the pre-tax limit to “catch-up” retirement savings. The limits for catch-up contributions in the Plan years 2007 and 2006 were \$5,000.

In addition, the maximum contributions and other additions (including all other plans sponsored by the Company) for the plan year of a participant under the Plan may not exceed the lesser of \$47,000 (2007) and \$42,000 (2006) or 100% of the eligible compensation paid to the participant by the Company in such plan year. Annual additions are defined as the participant’s contributions, Company’s matching and retirement contributions.

The Plan also allows rollover contributions of part or all of an “eligible rollover distribution” received by a participant from a qualified plan of a previous employer.

### **Vesting**

Participants are fully vested in their contributions, and are vested in employer matching contributions 20% after one year of service, 40% after two years of service, 60% after three years of service and 100% after four years of service. Additionally, participants become fully vested in Company contributions upon death, disability or retirement.

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Non-vested balances of employees who terminate are forfeited and shall be used to reduce subsequent Company contributions to the Plan and administrative expenses of the Plan paid by the trustee.

### **Participant Accounts**

Separate accounts are maintained for each participant and are credited with the participant's contributions, the Company's contributions and rollover contributions, if any, including the allocations of earnings and losses to these accounts calculated daily based on participant account balances. Participants direct their investments by electing the percentages of their accounts and contributions to be allocated between investment fund alternatives. Participants may make unlimited changes in their future investment allocations or make transfers of existing balances between investment fund alternatives. Effective April 1, 2007, participants may not elect to increase their investments in Company stock in excess of 20%.

### **Payment of Benefits and Withdrawals**

At the time of a participant's retirement, death or disability, the vested balances in all of his or her accounts will be paid in a lump sum. Upon termination of employment for reasons other than retirement, death or disability, participants are entitled to receive a lump sum payment for the value of the non-forfeitable portion of their account. Such lump sum payments may result in adverse tax consequences for the participant. Participants with vested account balances less than \$1,000 are required to roll their account balances into an IRA rollover account, another qualified benefit plan, or receive a lump sum distribution. Participants with account balances of \$1,000 or more may choose to leave their account balances in the Plan.

### **Loans**

Loans may be made to participants from their individual plan account, with a minimum loan amount of \$1,000 and a maximum amount equal to the lesser of 50% of such participant's vested balance or \$50,000. The interest rate on such loans is determined by the Trustee based on commercial lending rates at the date of the loan, and is fixed over the term of the loan. The repayment period may be up to five years for general loans or up to 15 years if loan proceeds are used for the purchase of a principal residence.

### **Plan Termination**

Although the Company expects to continue the Plan indefinitely, the Company has the right under the Plan document to discontinue its contributions at any time and to terminate the Plan ("full termination") subject to the provisions of ERISA. In the event of full termination, termination with respect to a group or class of participants ("partial termination") or a partial discontinuance of contributions, the unvested portion of Company contributions for participants subject to such full termination, partial termination or partial discontinuance will become fully vested and non-forfeitable.

## **2. Significant Accounting Principles**

### **Basis of Accounting**

The financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America on the accrual basis of accounting. Trades are recorded on the trade date. Interest is accrued when earned and dividends are accrued when declared.

### **Valuation of Investments**

All of the Plan's investments are maintained in mutual funds and a Company stock fund which are valued using quoted market prices from the respective securities' principal active exchange. The net appreciation (depreciation) in the fair value of investments for the period is included in the determination of net investment gain (loss) as reflected in the Statement of Changes in Net Assets Available for Plan Benefits.

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### **Use of Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires the Plan to make estimates and assumptions that affect the reported amounts of assets, liabilities, and changes therein and disclosure of contingent assets and liabilities. Actual results could differ from those estimates.

### **Risks and Uncertainties**

The Plan provides for various investment options in a combination of mutual funds and Company stock. Investment securities are exposed to various risks, such as interest rate, market and credit risks. Due to the level of risk associated with certain investment securities and the level of uncertainty related to changes in the value of investment securities, it is at least reasonably possible that changes in the values of investments will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the Statements of Net Assets Available for Plan Benefits and the Statement of Changes in Net Assets Available for Plan Benefits.

### **Payments of Benefits**

Payments of benefits are recorded on the accrual basis of accounting.

### **Plan Expenses**

The Company pays administrative expenses on behalf of the Plan through the use of forfeitures and other payments.

Administrative expenses include recordkeeping fees, audit fees, trustee fees, account maintenance fees, legal fees and annual loan fees. Participant loan origination fees are excluded from administrative expenses and deducted from participant's accounts as they are paid directly by the participants to the trustee and do not flow through the Plan.

### **3. Investments**

Plan participants have the following investment options: Templeton Developing Markets Trust – Class I Shares, Vanguard 500 Index Fund Investor Shares, Vanguard Capital Opportunity Fund, Vanguard Explorer Fund, Vanguard Extended Market Index Fund Investor Shares, Vanguard International Growth Fund, Vanguard LifeStrategy Conservative Growth Fund, Vanguard LifeStrategy Growth Fund, Vanguard LifeStrategy Income Fund, Vanguard LifeStrategy Moderate Growth Fund, Vanguard PRIMECAP Fund, Vanguard Prime Money Market Fund, Vanguard Small-Cap Index Fund Investor Shares, Vanguard Target Retirement 2005 Fund, Vanguard Target Retirement 2010 Fund, Vanguard Target Retirement 2015 Fund, Vanguard Target Retirement 2020 Fund, Vanguard Target Retirement 2025 Fund, Vanguard Target Retirement 2030 Fund, Vanguard Target Retirement 2035 Fund, Vanguard Target Retirement 2040 Fund, Vanguard Target Retirement 2045 Fund, Vanguard Target Retirement 2050 Fund, Vanguard Target Retirement Income Fund, Vanguard Total Bond Market Index Fund, Vanguard Total International Stock Index Fund, Vanguard Wellington Fund Investor Shares, Vanguard Windsor II Fund Investor Shares, and Newmont Mining Stock Fund. Participants are able to allocate and reallocate account balances among these funds on a daily basis. All investments are participant directed.

The fair value of individual investments that represented 5% or more of the Plan's net assets as of December 31, were as follows:

	<u>2007</u>	<u>2006</u>
<b>Investment Funds</b>		
Vanguard 500 Index Fund Investor Shares	\$10,363,018	\$10,443,728
Vanguard Capital Opportunity Fund	4,010,915	4,043,218
Vanguard LifeStrategy Moderate Growth Fund	5,548,584	5,288,142
Vanguard Prime Money Market Fund	9,135,984	8,269,207
Newmont Mining Stock Fund	11,413,101	10,631,115
Participant Loans	4,288,986	3,801,282

The reconciliation of net appreciation in fair value of the Plan's investments as of December 31, were as follows:

	<u>2007</u>	<u>2006</u>
Net realized gain on sale of assets, common stock	\$ 37,783	\$ 7,116
Net realized gain on sale of registered investment companies	280,595	285,600
Unrealized appreciation (depreciation) of assets, common stock	905,499	(1,722,014)
Unrealized appreciation of registered investment companies	648,357	3,079,560
Net appreciation of fair value of the Plan's investments	<u>\$1,872,234</u>	<u>\$ 1,650,262</u>

#### 4. Tax Status of the Plan

The Plan received a favorable determination letter from the Internal Revenue Service as to the qualified status of the Plan on December 5, 2002. Although the Plan has been amended since receipt of the determination letter, the Plan remains a qualified plan and is not subject to tax. Accordingly, no provision for federal or state income taxes has been recorded.

#### 5. Related Party Transactions

The Vanguard Fiduciary Trust Company acts as trustee for only those investments as defined in the Plan. Also, certain Plan assets are invested in shares of Company stock. Transactions in such investments qualify as party-in-interest transactions that are exempt from prohibited transaction rules as defined by ERISA. Administrative fees for Trustee services amounted to \$46,930 and \$63,318 for the years ended December 31, 2007 and 2006, respectively.

Plan-related expenses of \$7,574 and \$23,463 were paid by the Company for the years ended December 31, 2007 and 2006, respectively.

**Newmont***Retirement Savings Plan for Hourly-Related Employees of Newmont***Schedule of Assets (Held at End of Year)**

	<b>Cost</b>	<b>Current Value Year Ended December 31, 2007</b>
<b>Investment Funds:</b>		
Templeton Developing Markets Trust - Class I Shares	**	\$ 1,980,156
*Vanguard 500 Index Fund Investor Shares	**	10,363,018
*Vanguard Capital Opportunity Fund	**	4,010,915
*Vanguard Explorer Fund	**	528,450
*Vanguard Extended Market Index Fund Investor Shares	**	862,546
*Vanguard International Growth Fund	**	2,068,829
*Vanguard LifeStrategy Conservative Growth Fund	**	2,277,347
*Vanguard LifeStrategy Growth Fund	**	2,734,897
*Vanguard LifeStrategy Income Fund	**	1,249,836
*Vanguard LifeStrategy Moderate Growth Fund	**	5,548,584
*Vanguard PRIMECAP Fund	**	997,468
*Vanguard Prime Money Market Fund	**	9,135,984
*Vanguard Small-Cap Index Fund Investor Shares	**	437,236
*Vanguard Target Retirement 2005 Fund	**	18
*Vanguard Target Retirement 2010 Fund	**	280,493
*Vanguard Target Retirement 2015 Fund	**	250,741
*Vanguard Target Retirement 2020 Fund	**	334,209
*Vanguard Target Retirement 2025 Fund	**	261,793
*Vanguard Target Retirement 2030 Fund	**	391,231
*Vanguard Target Retirement 2035 Fund	**	31,123
*Vanguard Target Retirement 2040 Fund	**	31,276
*Vanguard Target Retirement 2045 Fund	**	39,715
*Vanguard Target Retirement 2050 Fund	**	32,654
*Vanguard Target Retirement Income Fund	**	64,133
*Vanguard Total Bond Market Index Fund	**	1,695,651
*Vanguard Total International Stock Index Fund	**	709,117
*Vanguard Wellington Fund Investor Shares	**	1,322,169
*Vanguard Windsor II Fund Investor Shares	**	1,293,060
		<u>48,932,649</u>
<b>Employer Stock:</b>		
*Newmont Mining Stock Fund	**	11,413,101
<b>*Participant Loans (a):</b>		
Interest rates ranging from 5.0% to 10.5%	—	4,288,986
<b>Total</b>		<u>\$ 64,634,736</u>

\* Represents a party-in-interest

\*\* Cost omitted for participant-directed investments.

(a) Interest rates on loans are determined by the Trustee based on commercial lending rates at the date of the loan.

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**SIGNATURE**

*The Plan* . Pursuant to the requirements of the Securities Exchange Act of 1934, the trustees (or other persons who administer the employee benefit plan) have duly caused this annual report to be signed on its behalf by the undersigned hereunto duly authorized.

Retirement Savings Plan for Hourly- Rated  
Employees of Newmont

Date **June 27, 2008**

/s/ Roger P. Johnson

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**Roger P. Johnson, Vice President and Controller  
Administrative Committee Member**

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EXHIBIT INDEX

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<u>Exhibit No.</u>	<u>Exhibit</u>
23	Consent of Causey Demgen & Moore Inc.

CONSENT OF INDEPENDENT REGISTERED PUBLIC ACCOUNTING FIRM

We consent to the incorporation by reference in the Registration Statements on Form S-8 Nos. 333-69145 & 333-86530 of Newmont Mining Corporation of our report dated June 27, 2008 with respect to net assets available for plan benefits of Retirement Savings Plan for Hourly-Rated Employees of Newmont as of December 31, 2007 and 2006, and the related statements of changes in net assets for plan benefits for the years then ended, and the related schedule of assets (held at end of year) as of December 31, 2007, which report appears in the December 31, 2007 annual report on Form 11-K of the Retirement Savings Plan for Hourly-Rated Employees of Newmont.

/s/ Causey Demgen & Moore Inc.

**Causey Demgen & Moore Inc.**  
**Denver, Colorado**  
**June 27, 2008**