

# RM-61



## Reference Manual 61: National Cemetery Operations

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*November 4, 2011*  
(Date)

## **Table of Contents**

### **1. Background and Purpose**

### **2. Authority and Related Guidance**

### **3. Requirements and Instructions**

#### ***3.1 Operation and Maintenance of National Cemeteries as Cultural Resources***

3.1.1 Minimum Planning Requirements

3.1.2 Treatment and Use of Component Parts of National Cemeteries

#### ***3.2 General Provisions***

3.2.1 Visitation

3.2.2 Cemetery-Specific Regulations

3.2.3 Access and Traffic Control

3.2.4 Floral Regulations

3.2.5 Filming and Photography

#### **3.3 Eligibility for Interment in NPS-administered National Cemeteries**

#### **3.4 Interment Facilities and Services Provided**

3.4.1 Basic Facilities and Services Provided

3.4.2 Viewing of Remains at NPS National Cemeteries

3.4.3 Military Honors

3.4.4 Interment Flag

3.4.5 Burial Vaults and Grave Liners

3.4.6 Pallbearers

#### **3.5 Pre-interment Actions and Related Matters**

3.5.1 Scheduling of Interments

- 3.5.2 Environmental Considerations
- 3.5.3 Requests for Interments on Weekends and Holidays
- 3.5.4 Gravesite Assignment
- 3.5.5 Burial Permits
- 3.5.6 Opening the Grave
- 3.5.7 Accidental Damage
- 3.5.8 Side-by-Side Burials in a Single Gravesite

### **3.6 The Interment**

- 3.6.1 General
- 3.6.2 Late Arrivals
- 3.6.3 Placement of Interment Flowers Delivered to the Gravesite Prior to the Arrival of the Funeral Party
- 3.6.4 The Funeral Procession, Committal Service, and the Interment
- 3.6.5 Closing the Grave
- 3.6.6 Temporarily Marking the Grave
- 3.6.7 Recording the Interment
- 3.6.8 Interments Postponed Because of Weather, Weather-related Conditions or Emergencies

### **3.7 Cremated Remains and Group Burials**

- 3.7.1 Scattering of Cremated Remains
- 3.7.2 Burial of Cremated Remains
- 3.7.3 Group Burials

### **3.8 Disinterments and Direct Exhumations**

- 3.8.1 Disinterments

3.8.2 Directed Exhumations

3.8.3 Accidental Disinterment of Unmarked Remains

3.8.4 Accidental Disinterment within a Burial Section

**3.9 Headstones, Markers and Commemorative Monuments**

3.9.1 General Guidance

3.9.2 Memorial Headstones and Markers

3.9.3 Commemorative Monuments

3.9.4 Repair and Replacement of Damaged Headstones

3.9.5 Errors of Fact

**3.10 Ceremonies and Special Events**

**3.11 Flags**

## **1. Background and Purpose**

NPS-61, "Guideline for National Cemeteries," (Release No. 1, November 1985) is replaced by Director's Order #61 and this Reference Manual. The purpose of this Reference Manual is to supplement Director's Order #61 (National Cemetery Operations) and provide guidance on the operation of NPS-administered national cemeteries. The guidance and procedures contained herein are consistent with NPS national cemetery regulations published at 36 CFR part12, NPS Management Policies 2006 and Director's Order #61.

The National Park Service currently manages 14 national cemeteries. These cemeteries are administered to preserve the historic character, uniqueness, and solemn nature of both the cemeteries and the historical parks of which they are a part.

National Cemeteries administered by the National Park Service are classified as either "active" or "closed." Active cemeteries have casket or cremation gravesites available for first interments. Closed cemeteries have no available gravesites for either casket or cremation first interments but may inter eligible family members of previously interred individuals (See section 1 of Director's Order #61 and section 3.3 of this document).

There are two active national cemeteries currently administered by the NPS: Andersonville National Cemetery and Andrew Johnson National Cemetery. Antietam, Battleground, Chalmette, Fort Donelson, Fredericksburg, Gettysburg, Poplar Grove, Shiloh, Stones River, Vicksburg, Yorktown and Custer National Cemeteries are closed.

## **2. Authority and Related Guidance**

Authority to issue this Reference Manual is contained in section 4 of Director's Order #61: National Cemetery Operations, the NPS Organic Act (16 USC 1 through 4), and in delegations of authority found in Part 245 of the DOI Manual. Other specific authorities and requirements governing NPS administration of national cemeteries are found in Director's Order #61 (National Cemetery Operations), 36 CFR Part 12 (National Cemetery Regulations). National cemeteries are addressed in section 8.6.10.1 of NPS Management Policies 2006.

## **3. Requirements and Instructions**

### **3.1 Operation and Maintenance of National Cemeteries as Cultural Resources**

National cemeteries encompass all types of cultural resources, including sites, landscapes, structures, objects, and archival and collections items. The operation and maintenance of national cemeteries will broadly follow NPS policy and guidance for similar classes of cultural resources. These cultural resources will be identified and evaluated through appropriate and relevant reports such as historic resource studies, cultural landscape reports, cultural resource inventories, and National Register nominations. In addition, each national cemetery will have its own legislative and administrative history or be included in the legislative and administrative history of the historical park in which the cemetery is located.

Cultural resource preservation policies found in chapter 5 of NPS *Management Policies* 2006, and Director's Order #28 will be used to preserve and manage identified cultural resources. Headstones and markers will be treated in accordance with Director's Order #61: National Cemetery Operations, and with the policy and procedures contained in this Manual.

### **3.1.1 Minimum Planning Requirements**

#### **A. Required Documents**

##### **1. *Cultural Landscape Report and National Register Documentation***

In accordance with section 3.9.4 of Director's Order #61, all NPS national cemeteries must have either an approved cultural landscape report (CLR) or National Register documentation that adequately addresses the cultural landscape, identifies contributing landscape characteristics and features, and establishes criteria for analyzing the historical significance and integrity of the landscape. An approved cultural landscape report will be used to determine the historic significance of these resources and evaluate their relevance to the overall appearance of the cemetery.

##### **2. *Administrative and Legislative Histories***

Each national cemetery will have its own legislative and administrative history or be included in the legislative and administrative history of the park in which the cemetery is located. This is important if the legislation establishing the national cemetery predates that of the park.

##### **3. *Interment Plan***

In accordance with 36 CFR 12.5(d), each NPS national cemetery must have an approved interment plan for burial sections. This interment plan must be in keeping with the historic character of the national cemetery and be approved by the regional director. The interment plan may be included as part of a cemetery operation plan (see this Manual, section 3.1.1(B)).

##### **4. *National Cemetery Records***

National cemetery records consist of original design plans, historic reports, letter books, original interment reports, records of interment, original structures, utility plans, etc. This information should be retained in the park to facilitate management. Records will be considered a permanent part of the park's history. Copies of records should be sent to other repositories or archives for safekeeping. Preservation of national cemetery documents should be a continuing process and include all subsequent plans and documents relating to the cemetery.

Each national cemetery should also maintain a history of physical development, natural changes, photographs, and administrative changes. This should reflect continuing documentation of changes by photography, records and other appropriate measures.

## **B. Cemetery Operation Plan**

While not required by regulation or NPS policy, a cemetery operation plan is highly suggested and will provide tools that will improve cemetery operation and ensure consistent and defensible decision-making. Each park should have a cemetery operation plan, which includes, at a minimum, the following components:

- **Interment Guidance** including information such as grave excavation procedures, unique environmental conditions which affect interment operations, and best practices that will provide guidance to future superintendents, facility managers and staff.
- **Grounds Maintenance Guidance** including such information as:
  - Appropriate turf varieties based on historical or environmental considerations.
  - Acceptable height of turf.
  - Minimum required maintenance schedules (moving, weed whipping, headstone cleaning, headstone realignment, etc.) based on the local environment.
  - Trees and shrub maintenance based on CLR, local conditions, species, etc.
  - Guidance on memorial sections and commemorative monuments (See section 3.9.2(B) and 3.9.3(A) of this Manual).
- **Operational Standards and Measures**

It is important that cemetery operation plans be developed based on the desired condition of the cemetery, as required to preserve its significant historic features and cultural landscapes, and not on current staffing or funding levels.

### **3.1.2 Treatment and Use of Component Parts of National Cemeteries**

Landscape characteristics and features, including but not limited to monuments, buildings, fences, vegetation, walls, gates, walks, headstones, viewsheds, historic circulation patterns, and general historic cemetery layout which contribute to the National Register significance of the national cemetery should be preserved.

#### **A. Preservation Guidelines**

Decisions regarding the preservation of a national cemetery will be based on an approved cultural landscape report or National Register documentation. The NPS will protect and manage the cultural resources and historic values of national cemeteries through effective research, planning, and stewardship, and in accordance with:

- *NPS Management Policies 2006*

- Director's Order #28: Cultural Resource Management
- The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation
- The most recent Service-wide Programmatic Agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers.

## **B. Landscapes**

A cultural landscape is a geographic area, which includes cultural and natural resources associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values<sup>1</sup>. A national cemetery landscape may include historically significant circulation systems, arrangement of graves, site topography, and views and vistas. Individual contributing features may also include buildings, headstones and markers, natural and ornamental vegetation, fencing and walls, pavement, water features, benches, and planters.

Landscapes in national cemeteries should be maintained to preserve the historic character and dignity of the cemetery and meet the high standards that the public expects.

## **C. Archeology**

Although ground disturbance for the purpose of burials in accordance with an approved interment plan is considered a normal part of cemetery maintenance and operations, existing National Park Service laws, regulations and policies will be followed before grounds are disturbed for reasons other than burials. When previously unknown features are encountered during interments, proper archeological procedures will be followed in accordance with existing National Park Service laws, regulations and policies.

## **D. Cemetery Lodges**

Historic lodges in national cemeteries will be managed in accordance with NPS *Management Policies 2006*, Director's Order #28: Cultural Resource Management, and Director's Order #36: National Park Service Housing Management. In accordance with NPS policy, the use of historic cemetery lodges for housing and offices is encouraged if the use contributes to the preservation of the structure.

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<sup>1</sup> The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes, page 4.



## **3.2 General Provisions**

The NPS will manage national cemeteries in accordance with Director's Order #61: National Cemetery Operations, Director's Order #28: Cultural Resource Management, 36 CFR Parts 1-5, 7 and 12 (See 36 CFR 12.1) and NPS *Management Policies* 2006.

### **3.2.1 Visitation**

The public will be notified of the normal operating hours of the cemetery and visitation will be encouraged.

As a means of assisting the visiting public, national cemeteries are encouraged to provide visitors with locator maps of the cemetery to enable them to find their way to a specific gravesite.

### **3.2.2. Visitor Standards of Conduct**

In accordance with the National Cemeteries Act of 1973 (38 USC 2400 - 2410), NPS national cemeteries are shrines to the honored dead who have served in the Armed Forces of the United States.

In keeping with the honor bestowed by Congress, certain activities are prohibited in NPS administered national cemeteries.

#### **A. General Regulations**

The following activities related to visitor conduct are prohibited by either 36 CFR part 2 or part 12:

- Littering
- Disturbing or damaging natural and cultural resources
- Engaging in recreational activities, and
- Engaging in disorderly activities.

#### **B. Cemetery-Specific Regulations**

In accordance with Director's Order #61, other activities relating to visitor conduct are prohibited through the use of the superintendent's discretionary authority, as authorized by 36 CFR 1.5. These include:

- Soliciting funds
- Engaging in commercial activities
- Distributing printed matter, and
- Engaging in partisan political activity.

(See also this Order, section 3.10: Ceremonies and Special Events)

In compliance with 36 CFR 1.7, the prohibitions in section 3.2.2 above and any other discretionary cemetery-specific limits and restrictions on visitor activities must be communicated to the public through appropriate methods such as the use of signs, maps, brochures, and electronic media.

As further required by 36 CFR 1.7, any limits or restrictions imposed under the superintendent's discretionary authority must be compiled in writing as the superintendent's "compendium." Superintendents will publish their compendium on the park's public website, and will prominently post cemetery hours of operation (see section 3.2.1 of this Manual).

### **3.2.3 Access and Traffic Control**

In accordance with 36 CFR 4.21, the superintendent may determine the maximum allowable speed of motor vehicles on roads in NPS national cemeteries. The maximum allowable speed of vehicles in national cemeteries will be posted conspicuously in compliance with 36 CFR 1.7, and be published as part of the compendium and on the park's public website (see section 3.2.2 of this Manual).

In accordance with 36 CFR 4.11, the superintendent may designate limits and conditions for the operation and parking of sightseeing or chartered buses or vehicles.

### **3.2.4 Floral Regulations**

In accordance with 36 CFR 12.10, the placement on the grave of fresh cut or artificial flowers in or on a metal or other non-breakable rod or container designated by the superintendent is allowed at times designated by the superintendent. The superintendent should designate types of containers and times floral arrangements may be placed on graves to provide for efficient maintenance operations, protection of the resource, and acknowledgement of the needs of the next-of-kin.

In accordance with 36 CFR 12.10, the placement of permanent, in-ground flower containers in NPS national cemeteries is prohibited. Existing containers may remain until they become unserviceable.

### **3.2.5 Photography and Filming**

Filming and photography will be permitted in national cemeteries in accordance with NPS *Management Policies* 2006 8.6.6, 36 CFR parts 5.5 and 36 CFR part 12, 43 CFR 5, and 16 USC 460l-6d, provided that the activities do not cause unacceptable impacts or disrupt the solemn commemorative and historic character of the cemeteries (for more information on unacceptable impacts, see NPS *Management Policies* 2006, sections 1.4.7.1 and 8.2).

## **A. Non-Commercial Filming and Photography**

In accordance with NPS *Management Policies* 2006, a permit will not be required for a visitor's personal, non-commercial photography and filming during normal cemetery visiting hours. A permit may be required to conduct filming or photography after normal cemetery visiting hours.

## **B. Commercial Filming and Photography**

A written permit from the superintendent is required for all commercial filming in national cemeteries (NPS *Management Policies* 2006, section 8.6.6.2). Commercial filming means filming that involves the digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience. This includes recordings such as those used for a documentary, television or feature film, advertisement, or similar project (NPS *Management Policies* 2006, section 8.6.6.2).

In accordance with 16 USC 4601-6d and 36 CFR 5.5, still photography (whether commercial or non-commercial) in NPS national cemeteries will not require a permit unless:

- It takes place at a location(s) where or when members of the public are generally not allowed;
- It uses model(s), prop(s), or other articles of commerce that are not part of the location's natural or cultural resources or administrative facilities;
- It requires the NPS to provide management and oversight to prevent unacceptable impacts;
- It interferes with normal public access and use of the cemetery.

For more information including fees, performance bonds and liability insurance requirements related to commercial filming and photography, see NPS *Management Policies* 2006, section 8.6.6.2.

## **3.3 Eligibility for Interment in NPS-administered National Cemeteries**

The superintendent is responsible for determining eligibility, in accordance with Department of Veterans Affairs eligibility requirements, for interment in NPS-administered national cemeteries. Interment will be permitted once eligibility has been conclusively established.

In accordance with Director's Order #61, section 3.3, the regional director is delegated the authority to waive interment eligibility requirements under special circumstances upon the recommendation of the superintendent. Special care should be taken to prevent the displacement of graves that could potentially be utilized as grave space for veterans and their dependents. Waivers should be granted only in the most compelling cases and an immediate family member or a designated representative must provide written documentation of the special circumstances.

In accordance with 36 CFR 12.5(c)(3), gravesite reservations granted in writing prior to the adoption of the one-gravesite-per-family-unit restriction will be honored as long as the person remains eligible.

Burials in active cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled (NPS Management Policies 2006, section 8.6.10.1). The expansion of a burial section is prohibited without the approval of the regional director (36 CFR 12.5(d)(3)). Expansion of a national cemetery outside of the confines of its historic enclosure is prohibited (36 CFR 12.5(d)(6)). Once cemeteries are determined to be closed, they will not be opened for additional unreserved first interments (Director's Order #61, section 3.3).

### **3.4 Interment Facilities and Services Provided**

#### **3.4.1 Basic Facilities and Services Provided**

At the time that burial arrangements are being made, the superintendent or designee should explain to the next-of-kin or to his or her agent, the services and facilities that are rendered without charge.

Services and facilities furnished without charge include the opening and closing of the grave, and the installation of headstones and markers. All other services normally associated with interment are the responsibility of the next-of-kin, including the acquisition of grave liners or vaults.

#### **3.4.2 Viewing of Remains at NPS National Cemeteries**

Facilities for viewing remains are not provided in national cemeteries. The superintendent or the designated representative will not generally permit a casket to be opened after the hearse carrying a closed casket has entered the cemetery.

#### **3.4.3 Military Honors**

In accordance with 10 USC 1491, the Secretary of Defense must ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran. Arranging for military honors is the responsibility of the next-of-kin or family of the deceased. If possible, the superintendent should, at the time the request for interment is made, notify the family or their agent that responsibility for providing or arranging for military honors lies with the family or their agent funeral director.

In accordance with 10 USC 1491(c), a funeral honors detail must, at a minimum, perform a ceremony that includes:

- The folding of a United States flag and presentation of the flag to the veteran's family, and;
- The playing of Taps

It is the responsibility of the National Cemetery Administration to provide a United States flag to drape the casket or accompany the cremated remains of a deceased veteran. These flags may be obtained from National Cemetery Administration offices and U.S. Post Offices throughout the United States with the submission of VA Form 21-2008.

Unless a bugler is a member of the detail, the funeral honors detail will play a recorded version of Taps using audio equipment which the detail will provide if adequate audio equipment is not otherwise available for use at the funeral.

In addition to the required elements of a funeral honors detail, the following elements may also be included:

- A firing detail of at least three in number; and
- Six uniformed body bearers or pallbearers to carry or escort the casket, hold the flag over the casket at the appropriate time and fold the flag in the prescribed manner.

Cemetery staff is responsible for lowering the American flag to half staff at least 30 minutes prior to interment and raising the flag 30 minutes after the interment.

#### **3.4.4 Interment Flag**

The interment flags used to drape the caskets of eligible deceased veterans are furnished by the Department of Veterans Affairs (VA). These flags may be obtained, upon application by the family, generally accomplished by their agent funeral director, from VA stations and U.S. Post Offices throughout the United States.

#### **3.4.5 Burial Vaults and Graveliners**

The use of metal, asphalt, concrete, and other types of below ground burial vaults or graveliners purchased at private expense in national cemeteries is authorized. Contractual arrangements for the purchase of such vaults or graveliners are the responsibility of the next-of-kin with the funeral director or the vault company. NPS employees should not be involved in making these arrangements.

The cemetery will be notified by the next-of-kin prior to the procurement of the vault or liner, to ensure that the dimensions of the vault or liner can be accommodated at the cemetery. Once the vault or liner is procured by the next-of-kin, the cemetery will be notified in sufficient time so that a grave of proper size can be prepared. It is the responsibility of the contractor to furnish equipment and personnel to place the vault or liner in the grave prior to the funeral service and to place the lid cover properly after the service is concluded. Cemetery personnel should not normally assist vault installation personnel in handling privately furnished vaults or graveliners. Overnight storage of the vault or graveliner within the cemetery is not authorized.

The activities of vault installation personnel should be regulated by cemetery personnel to assure that such activities and equipment do not conflict with or detract from funeral ceremonies.

At those cemeteries where graveliners are authorized, the superintendent may provide a graveliner at government expense when the deceased has no family or the family is unable to provide a vault.

### **3.4.6 Pallbearers**

Except in those cemeteries where pallbearers are not required, superintendents should inform funeral directors that they are obligated to provide sufficient pallbearers, if not provided by the relatives. National cemetery staff can serve as pallbearers at the superintendent's discretion.

## **3.5 Pre-interment Actions and Related Matters**

### **3.5.1 Scheduling of Interments**

The superintendent or designee should schedule the date and hour of all interments in a national cemetery upon receipt of a request for interment (Director's Order #61, section 3.5). Upon receipt of a request for interment, the requester will be advised that the date and time set is tentative pending official determination of eligibility and/or authorization for interment. If, however, an acceptable military discharge document is presented, a firm date and time may be established.

Under normal circumstances, the superintendent should schedule interments to allow verification of service data. Once verification is obtained by cemetery staff, the interment can be conducted. All interments should be scheduled to allow sufficient time for proper closing of the grave prior to the close of the workday.

### **3.5.2 Environmental Considerations**

In instances where local soil or geological conditions make it impossible to excavate a gravesite deep enough to hold more than one deceased, superintendents may reserve the adjacent site for a spousal reservation.

### **3.5.3 Requests for Interments on Weekends or Holidays**

Interments are not normally scheduled for Saturdays, Sundays, or holidays. The immediate family member or his or her designated representative should be advised that Saturday, Sunday, or holiday interments may only be made at the superintendent's discretion. When such requests are received, the following procedures should be followed:

1. Verify that the person making the request is the immediate family member or his or her designated representative.
2. Ensure that the time and date for which burial is requested actually reflects the desires of the immediate family member.

3. The NPS employee taking the request should make every reasonable effort to satisfactorily schedule the burial on a day when such burials normally are authorized. If circumstances require that an interment be scheduled on a weekend or holiday, the immediate family member will be informed that this action will require the approval of the superintendent.

#### **3.5.4 Gravesite Assignment**

Gravesite assignments will be made by the superintendent or designee in accordance with the interment plan.

#### **3.5.6 Burial Permits**

Burial permits are sometimes required in accordance with regulations established by State and local authorities. A member of the armed forces who dies while on active duty may be interred prior to receipt of a burial permit.

#### **3.5.6 Opening the Grave**

Special care must be taken to assure that graves are laid out and numbered in accordance with the cemetery operation plan. Specific guidance on excavation of graves should be included in the cemetery operation plan.

#### **3.5.7 Accidental Damage**

In the event of accidental damage to urns, caskets, casketed remains or outside containers caused by Park Service personnel, a visual inspection should be conducted immediately and a report of the incident completed by the superintendent.

A review of the events, including the extent of the damage, the timeliness of reporting and the feasibility of accomplishing quick corrective action will help dictate what steps should be taken following the accident. Following is a sequence of steps that should normally be followed by the superintendent when damage is found:

1. Notify the servicing funeral director handling the case and seek his or her advice on contacting the next-of-kin or appropriate family member. The funeral director is probably in the best position to determine the person to be contacted regarding the incident.
2. Call the next-of-kin or appropriate family member to inform him or her of the accident and the general nature of the observed damage.
3. The next-of-kin or other family member should be assured that all costs for replacing the casket and for the services of a funeral director will be borne by the Government.

4. The next-of-kin or other family member should be permitted to inspect the damage and witness the transfer of the remains to a new casket, urn, or outside container. Should the family so desire, the servicing funeral director who handled the interment will be permitted to attend.
5. A replacement casket and required mortuary service may be obtained from the servicing funeral director handling the case if costs are determined reasonable. The superintendent should contact a funeral director with due consideration of purchasing regulations.

The steps above should be used as a general guide. Modifications can be made to accommodate the circumstances in each case. It is important, however, that the specific course of action decided upon be approved by the superintendent.

A completion report of the incident should be prepared and held on file at the cemetery. This report should examine the causes of the damage and the corrective action taken to reduce the likelihood of a reoccurrence.

### **3.5.8 Side-by-Side Burials in a Single Gravesite**

Geologic and environmental conditions sometimes make it necessary to conduct side-by-side burials. When it is necessary to make side-by-side burials in a single gravesite, extreme care should be exercised to accurately locate the sideline of the site. Where a burial vault is used in such cases, it may be necessary to encroach several inches on adjacent site(s). This is permissible provided the site encroached upon has been or will be utilized and is reflected in an approved interment plan.

## **3.6 The Interment**

### **3.6.1 General**

National cemeteries provide a dignified burial place and lasting memorial for veterans and their eligible family members. Interments may be conducted at the graveside or an area designated for committal services. The interment process, from the arrival of the funeral party to their departure, should be conducted in a dignified and professional manner with the interment given the highest priority.

The superintendent or designee should attend each funeral to render assistance and guidance to the funeral party. Family of the deceased are often under physical and emotional strain, and the superintendent or designee should exhibit compassion and concern to the next-of-kin and other family members. Interments should be conducted with dignity and respect even if family members or friends are not present. Specific details about the interment should be included in the cemetery operation plan.

### **3.6.2 Late Arrivals**



If the family or next-of-kin fail to arrive for the interment service and the time of day does not permit the closing of the grave during normal working hours, the superintendent may authorize completion of the interment.

### **3.6.3 Placement of Interment Flowers Delivered to the Gravesite Prior to Arrival of the Funeral Party**

Interment flowers and floral pieces, which normally are delivered to the cemetery prior to the arrival of the funeral party, should be placed and arranged at the committal shelter, committal area, or adjacent to the grave by the funeral director.

### **3.6.4 The Funeral Procession, Committal Service and Interment**

#### **A. Duties of Cemetery Staff**

The superintendent or designee should attend each funeral to render assistance and guidance to the funeral party. He or she should meet the funeral procession at a designated point within the cemetery which in the judgment of the superintendent is most suitable for that purpose to ensure safe and dignified reception. If necessary, any special instruction will be imparted to the funeral director at that time.

When graveside services are permitted, the superintendent or designee should immediately inform pallbearers and all members of the funeral party of any known or anticipated safety hazards.

#### **B. Suspension of Cemetery Operations**

All cemetery operations within the immediate area of the committal shelter and gravesite should be suspended 30 minutes prior to the scheduled funeral time and resume after the service has been completed and the funeral party has left the area. When feasible, staff should advise tour groups of interment times and request that groups avoid the funeral area.

#### **C. Presentation of the U.S. Flag**

In accordance with 10 USC 1491, the Secretary of Defense must ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran, which includes folding and presenting the United States burial flag (For information about other elements of a funeral honors detail, see sections 3.4.3 and 3.4.4).

It is the responsibility of the funeral director to ensure that the flag is presented to the next-of-kin or an appropriate person. In some instances, the superintendent or designee may find it necessary to present the flag. Each branch of the military presents the flag using wording relevant to that organization. When the superintendent or designee presents the folded flag, appropriate wording should be used such as: "This flag is presented on behalf of a grateful nation in memory of the faithful service provided by your loved one."

### **3.6.5 Closing the Grave**

Graves should be closed as soon as practicable after the interment service and before the close of business. Closing should be accomplished in a manner designed to minimize grave settling. When closure of a casket interment is not immediately feasible, a grave cover should be used to cover the grave until it can be closed. Remains should not be left unattended until the grave is closed.

Some members of a funeral party may not leave right away and may remain in the general area of the gravesite or committal shelter to observe closing operations. Cemetery employees should be aware of the need for concern and care in this operation.

There may be instances in which family members and friends wish to place flowers or other items into the grave prior to closing. Cemetery staff may offer to place items in the grave for family and friends of the deceased. For some groups, participation in the closing process may be part of cultural and religious traditions. Cemetery staff should remain with the group to ensure safety precautions are followed. Due to safety concerns, persons should not be allowed to remain at the side of the open grave.

After the grave has been closed, all floral pieces should be neatly arranged on the grave by the funeral director or park personnel.

### **3.6.6 Temporary Marking of the Grave**

It is the responsibility of the superintendent to ensure that graves are temporarily marked immediately after closing. A standard grave marker should be placed on the grave.

### **3.6.7 Recording the Interment**

It is essential that interments be recorded as soon as possible in the cemetery records. In accordance with Director's Order #61, interment data will be recorded on the Interment Register (VA Form 40-4982), Record of Interment (VA Form 40-4956), Burial Operations Support System (BOSS) or other appropriate method.

### **3.6.8 Interments Postponed Because of Weather or Weather-related Conditions and Other Emergencies**

Depending on the geographical area in which they are located, national cemeteries may experience severe weather such as hurricanes, tornadoes, snow and ice, blizzards, and torrential rain.

When scheduled committal services and interments are not feasible due to conditions outside the control of the superintendent, the funeral director and the immediate family member should be notified that the interment cannot be accomplished as scheduled, and the burial must be

rescheduled for another date and time. If the remains must be returned to the funeral home from the national cemetery, it will be done so at no expense to the Government.

### **3.7 Cremated Remains and Group Burials**

#### **3.7.1 Scattering of Cremated Remains**

Cremated remains of only eligible veterans, spouses and dependents may be scattered in national cemeteries in conformance with applicable State and Federal laws and regulations. In accordance with 36 CFR 2.62, the scattering of cremated remains is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.

#### **3.7.2 Burial of Cremated Remains**

The interment of cremated remains should be treated in the same manner as other interments. Although cremated remains may be received at the national cemetery through various modes of transportation including Parcel Post, and often unattended, they should receive the same attention to detail and dignity as that afforded attended casketed remains.

A Record of Interment (ROI), Veterans Administration Form 40-4956, must be initiated and processed for buried cremated remains. Appropriate copies will be retained at the national cemetery as a permanent record of the action.

The burial of cremated remains in active cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled (NPS Management Policies 2006, section 8.6.10.1). The expansion of a burial section is prohibited without the approval of the regional director (36 CFR 12.5(d)(3)). Expansion of a national cemetery outside of the confines of its historic enclosure is prohibited (36 CFR 12.5(d)(6)). Once cemeteries are determined to be closed, they will not be opened for additional unreserved first interments, including cremated remains (Director's Order #61, section 3.3).

#### **3.7.3 Group Burials**

When it is not possible to identify individually the remains of two or more service personnel who died while on active duty and whose identity as a group is known or partially known, the recovered remains are placed in one or more caskets, as required, for interment as a group burial in a selected national cemetery. Group burials of military personnel will be in accordance with Veterans Affairs policy.

### **3.8 Disinterments and Exhumations**

#### **3.8.1 Disinterment**

Interments in national cemeteries are considered to be permanent and final. Disinterment and removal of remains are seldom permitted, and then only for the most compelling reasons. Prior approval of the regional director is required before any disinterment can be made (Director's Order #61, section 3.8.1). Authorized disinterments will be accomplished at no cost to the NPS. The superintendent will establish a fee designed to recover the costs associated with supervising and administering a disinterment, including the costs of opening and closing the grave and redressing any disturbed graves or headstones.

Requests for disinterment will use VA Form 40-4970 (Request for Disinterment). Requests for disinterment will only be accepted from immediate family members, defined as the deceased's surviving spouse, adult children, appointed guardian(s) of minor children, or appointed guardian(s) of the surviving spouse or of the adult children of the decedent. (In the absence of a surviving spouse and children, the decedent's parents will be considered immediate family members). The Request for Disinterment must include the signatures of all living immediate family members, and must include the person who initiated the interment, if living, even if not a member of the immediate family.

The immediate family member requesting the disinterment is responsible for making all arrangements and incurring all financial obligations related to a disinterment. These arrangements and obligations include, but are not limited to, the following:

- Compliance with State and local health laws and regulations;
- Engaging a funeral director;
- Recasketing the remains;
- Rehabilitation of the gravesite according to conditions established by the superintendent;
- Providing the superintendent a notarized affidavit by each living close relative of the deceased and by the person who directed the initial interment, if living, even though the legal relationship of such person to the decedent may have changed, granting permission for the disinterment.

A special use permit must be prepared for each disinterment activity. When a disinterment has been authorized by the regional director, written notification will be sent to the requester. No action to accomplish the disinterment will be taken until authorization from the regional director has been received.

Disinterments should be supervised at the gravesite by the superintendent or his/her designated representative. Special care and concern will be shown for adjacent graves and headstones.

The headstone or marker that marked the grave of the decedent being disinterred will not be shipped at Government expense to the cemetery where the remains are to be reinterred. If, however, the decedent being disinterred is to be reinterred at another location in the same national cemetery, the same headstone or marker will be emplaced at the new gravesite. If the decedent being disinterred is to be reinterred in another national cemetery elsewhere in the country, a new headstone/marker will be ordered by that cemetery.

If the disinterment takes place in an active national cemetery, the vacant grave may be reused following disinterment.

### **3.8.2 Directed Exhumation**

A “directed exhumation” is the disinterment of remains from a national cemetery gravesite ordered by a Federal or State court of competent jurisdiction. Directed exhumations are usually ordered for purposes of an autopsy or other forensic reason. Usually the remains are returned for interment in the national cemetery. All Federal and State court orders directing exhumation will be honored and, when possible, the directed exhumation will be accomplished without cost to the NPS.

While Federal and appropriate State court orders directing exhumations will be honored, the superintendent, upon receipt of such an order, should notify the NPS regional law enforcement specialist prior to taking any action to comply with the order, and should consult with the Solicitor’s Office before taking any action to comply.

The issuing court should indicate the final disposition of the exhumed remains. If the remains are to be permanently removed from the cemetery, arrangements must be made for immediate removal. If the directed exhumation takes place in an active national cemetery, the vacant grave will be reused following the exhumation. If the remains are to be reinterred in the national cemetery, the same gravesite will be used. Following the exhumation, the open grave will be covered pending reinterment or other final disposition of remains.

All exhumation activities will be coordinated with the ordering court; however, disinterment activities will be conducted under the supervision of the superintendent. NPS employees will not participate in disinterment activities except as directed by an appropriate court. The superintendent will ensure that all governing State and local laws are complied with.

The ordering court will be notified immediately in cases where damages occur to remains or containers as a result of disinterment activities. In such cases, a report of damage providing explanation of cause, circumstances and action should be prepared (For guidance on accidental damage caused by NPS personnel, see section 3.5.8 of this Manual).

Court orders and other pertinent documentation will be retained at the cemetery as a permanent record of the action.

### **3.8.3 Accidental Disturbance of Unmarked Remains outside the Cemetery**

In accordance with Director’s Order #61, section 3.8.3, unmarked human remains that are unintentionally disturbed within the park but outside the national cemetery, as a result of natural processes or maintenance activities, may be reinterred, even in closed national cemeteries, if space is available in the burial section. Remains that are unintentionally disinterred outside of the cemetery may be reinterred only in the NPS national cemetery that is associated with the national park in which the remains were disinterred. This section applies only to the accidentally