

## § 12.4

## 36 CFR Ch. I (7–1–12 Edition)

involves the communication or expression of views or grievances, whether engaged in by one or more persons, that has the intent, effect or likelihood to attract a crowd or onlookers. This term does not include casual park use by persons that does not have an intent or likelihood to attract a crowd or onlookers.

*Eligible person* means an individual authorized by Federal statute and VA Policy to be interred or memorialized in a national cemetery.

*Government headstone* means a standard upright stone, provided by the Veterans Administration, of the same design currently in use in a national cemetery to identify the interred remains.

*Gravesite reservation* means a written agreement executed between a person and the National Park Service to secure a gravesite prior to the death of an eligible person.

*Headstone* means a permanent stone placed vertically on a grave to identify the interred remains.

*Historic enclosure* means a permanent fence, wall, hedge, or other structure that surrounds the burial sections and defines the unique historic boundary of a national cemetery.

*Marker* means a permanent device placed horizontally on a grave to identify the interred remains.

*Memorial headstone* means a private or government headstone placed in a memorial section of a national cemetery with the words “In Memory Of” inscribed to honor a deceased eligible person whose remains could not be interred in the national cemetery.

*NPS Policy* means the National Park Service’s *Guidelines for National Cemeteries, NPS-61*.

*Private headstone* means an upright stone provided by a person at no expense to the government and in lieu of a government headstone.

*Recreational activity* means any form of athletics, sport or other leisure pursuit or event, whether organized or spontaneous, that is engaged in by one or more persons for the primary purpose of exercise, relaxation or enjoyment, including but not limited to the following: jogging, racing, skating, skateboarding, ball playing, kite flying, model airplane flying, throwing objects through the air, sunbathing, bi-

cycling and picknicking. This term does not include walking, hiking or casual strolling.

*Special event* means a sports event, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival or similar activity that is not a demonstration, whether engaged in by one or more persons, that has the intent, effect or likelihood to attract a crowd or onlookers. This term does not include casual park use by persons that does not have an intent or likelihood to attract a crowd or onlookers.

*VA Policy* means the current editions of the Veterans Administration’s Manuals that pertain to the administration of the National Cemetery System.

### § 12.4 Special events and demonstrations.

Conducting a special event or demonstration, whether spontaneous or organized, is prohibited except for official commemorative events conducted for Memorial Day, Veterans Day and other dates designated by the superintendent as having special historic and commemorative significance to a particular national cemetery. Committal services are excluded from this restriction.

### § 12.5 Interments.

(a) *Who may be interred.* A person’s eligibility for burial in a national cemetery is determined in accordance with the provisions of Federal statutory law. Interments are conducted in accordance with NPS policy and VA Policy.

(b) *Burial permit.* (1) A burial permit is required in accordance with the laws and regulations of the State and local municipality within whose boundaries the cemetery is located.

(2) The remains of a member of the Armed Forces who dies on active duty may be interred prior to receipt of a burial permit.

(3) The superintendent shall process a burial permit in accordance with VA Policy.

(c) *Gravesite assignment.* (1) Gravesite assignment and allotment are made according to VA Policy which specifies that only one gravesite is authorized