

Appeal Case Seeking Damages
Sendai High Court 2018 (Ne) No. 164¹
Judgment rendered by the Second Civil Division on March 12, 2020
(Original Decision: The Iwaki branch of the Fukushima District Court in 2012
(Wa) No. 213 and 2013 (Wa) No. 131)
Oral argument: concluded on November 12, 2019

Judgment

Appellants and appellees (the Plaintiffs in the first instance): [], [], [], [] and others (the Plaintiffs in the first instance and the Successors are as listed in Exhibit² 1 (List of the Plaintiffs))

Attorneys as Counsels for the above parties: ONODERA Toshitaka, HIROTA Tsuguo, SUZUKI Takahiro, YONEKURA Tsutomu, SASAYAMA Naoto and others (Plaintiffs' counsels are as listed in Exhibit 2 (List of Attorneys for the Plaintiffs))

Appellee and appellant (the defendant in the first instance, the "Defendant"): Tokyo Electric Power Company Holdings, Inc. (TEPCO)

Representative of TEPCO: a, Representative Executive Officer

Attorneys as Counsels for the Defendant: TANAKA Kiyoshi, AOKI Josuke, KOTANI Kentaro, KAWAMI Tadashi, TANAMURA Tomohiro, TANAKA Hideyuki and AOKI Shotaro

Subagents for the Defendant: MIMORI Kenji, HORIGUCHI Takuya, MORI Michihiro and KOIBUCHI Takeshi

(NB: Abbreviations and terms used herein basically have the same meanings as those in the Original Judgment)

Main text of the judgment

1. Based on the appeal filed by the Plaintiffs who are listed with amounts of money in the column entitled "Additional amounts to be awarded" in Exhibit 3 (List of Amounts Awarded), the part concerning such Plaintiffs in paragraph 3 of the main text of the Original Judgment shall be replaced with the following:

(1) The Defendant shall pay to the Plaintiffs who are listed with amounts of money in the column entitled "Additional amounts to be awarded" in Exhibit 3 (List of Amounts Awarded), in addition to the amounts awarded in the first instance, each amount of which is indicated in such column, plus the interest accrued thereon at a rate of 5% per annum from March 11, 2011³, until payment in full is made.

¹ *Editor's note: The case number to identify the case.*

² *Editor's note: In Japan, the names of parties who are natural persons are not disclose to the public.*

³ *Editor's note: In Japan, damages based on torts accompany late payment from the day of an accident.*

- (2) The other secondary claims by such Plaintiffs shall be dismissed.
2. Based on the appeal by the Defendant, the part of paragraphs 2 and 3 of the main text of the Original Judgment corresponding to Plaintiffs Nos. 77-1⁴ through 77-5 as listed in Exhibit 3 “List of Amounts Awarded, etc.,” of the Original Judgment shall be changed as follows:
- (1) The Defendant shall pay to Plaintiff [] (77-1), Plaintiff [] (77-2), Plaintiff [] (77-3), Plaintiff [] (77-4) and Plaintiff [] (77-5) 5,250,000 yen each, plus the interest accrued thereon at a rate of 5% per annum from March 11, 2011, until payment in full is made.
- (2) The other secondary claims by such Plaintiffs shall be dismissed.
3. All the other appeals by the Plaintiffs in paragraph 1 above, the appeals by the other Appellant-Plaintiffs, and the appeal by the Defendant against the Appellee-Plaintiffs other than the Plaintiffs in paragraph 2 above shall be dismissed. Provided, however, that the part of paragraph 2 of the main text of the Original Judgment corresponding to Plaintiffs Nos. 54-4-1 through 54-4-4 listed in Exhibit 3 (List of Amounts Awarded, etc.) of the Original Judgment shall cease to be effective due to the withdrawal of the action in this instance, and the part (of paragraph 2 of the main text of the Original Judgment) corresponding to Plaintiff No. 54-4-5 has been changed as in the next paragraph due to the succession, and a partial withdrawal, of the action in this instance.
4. The Defendant shall pay to the Successor [] (54-4-5)⁵ of late Plaintiff [] 4,050,000 yen, plus the interest accrued thereon at a rate of 5% per annum from March 11, 2011, until payment in full is made.
5. In between the Plaintiffs in paragraphs 1 and 2 above and the Defendant in the first and second instances, the court costs shall be divided into ten, and a tenth of which shall be borne by the Defendant, and nine tenths, by such Plaintiffs. In between the other Plaintiffs and the Defendant, the appeal costs of the Appellant-Plaintiffs shall be borne by themselves, and the appeal costs of the Defendant shall be borne by itself.
6. Paragraph 2 of the main text of the Original Judgment (provided, however, that, the parts related to the provisos in paragraphs 2 and 3 of the main text of the judgment herein shall be excluded), and the provisional execution of paragraphs 1(1), 2(1) and 4 of the main text of the judgment herein may be enforced.

Facts and reasons

I. Purpose of the Appeals

1. Plaintiffs

⁴ *Editor’s note: Instead of their name, in Japan, Courts often identify them by plaintiff number in each case.*

⁵ *Editor’s note: In Japan, if a party dies during a proceeding, his or her successor becomes the next plaintiff.*

(1) The part of the Original Judgment, in which the payment claim, as described in paragraph (2) below, by the Appellant-Plaintiffs listed in Exhibit 3 (List of Amounts Awarded) are dismissed, shall be rescinded.

(2) The Defendant shall pay to the Plaintiffs mentioned in the preceding paragraph the amounts awarded in the first instance and, additionally, the respective amounts listed in the column entitled "Appealed amounts" in Exhibit 3 (List of Amounts Awarded), plus the interest accrued thereon at a rate of 5% per annum from March 11, 2011, until payment in full is made.

2. Defendant

The part of the Original Judgment, in which the claim by the Appellee-Plaintiffs listed in Exhibit 3 (List of Amounts Awarded) are admitted, shall be rescinded, and all the claims by such Plaintiffs related to such rescinded part shall be dismissed.

II. Overview of the Case

1. Undisputed facts

(1) Occurrence and cause of the Fukushima Daiichi Nuclear Power Plant Accident

On March 11, 2011, a nuclear accident occurred, in which a large amount of radioactive substances were released and dispersed into the atmosphere at the Fukushima Daiichi Nuclear Power Plant installed and operated by the Defendant in Futaba and Okuma towns, Futaba-County, Fukushima Prefecture, due to the *tsunami* caused by the 2011 off the Pacific coast of Tohoku Earthquake.

The immediate cause of the Accident lay in the fact that the emergency diesel generators, which were triggered to start upon the interruption of electrical power supply from the external power sources due to the earthquake, lost their functions due to the flood at the power plant premises due to the *tsunami* caused by the earthquake, thereby causing the complete loss of the cooling function of the nuclear reactors and therefore the hydrogen explosions of Units 1, 3 and 4 and damaging the reactor buildings, which resulted in the release of a large amount of radioactive substances into the atmosphere.

(2) Evacuation of the Plaintiffs from their residences in the Hamadori area⁶ of Fukushima Prefecture

The Plaintiffs are those who lived in the pre-evacuation addresses listed in Exhibit 4 (Basic Information, etc., about the Plaintiffs), Haramachi and Odaka wards, Minamisoma City, and Namie, Futaba, Okuma, Tomioka, Naraha and Hirono towns and Kawauchi Village, Futaba-gun, in the Hamadori area of Fukushima Prefecture, and evacuated after the occurrence of the Accident, or their relatives, composed of 201 Plaintiffs who filed the action and the Successors of 7 Plaintiffs who died after filing the action.

In accordance with the Act on Special Measures Concerning Nuclear Emergency Preparedness, measures were taken to protect their lives or bodies from the nuclear disaster caused by the Accident, and, as reflected in the categories of the evacuation orders shown in Exhibit 4 (Basic Information, etc.,

⁶ *Editor's note: It is a Pacific coastal area in the eastern of Fukushima Prefecture, where the Fukushima Daiichi Nuclear Power Plant is also located.*

about the Plaintiffs), the areas in which the Plaintiffs resided were respectively designated to the Difficult-to-return Area, the Restricted Residential Area, the Evacuation Order Lifting Preparation Area and the Emergency Evacuation-Prepared Area, and the Plaintiffs received the relevant evacuation orders.

As indicated in the evacuation orders lifted on the dates indicated in Exhibit 4 (Basic Information, etc., about the Plaintiffs), the evacuation orders for the Emergency Evacuation-Prepared Areas in Haramachi Ward, Hirono Town and Kawauchi Village were lifted on September 30, 2011; for the Evacuation Order Lifting Preparation Areas in Naraha Town, September 5, 2015; for the Evacuation Order Lifting Preparation Areas and the Restricted Residential Areas in Odaka Ward, Minamisoma City, July 12, 2016; for the Evacuation Order Lifting Preparation Areas and the Restricted Residential Areas in Namie Town, March 31, 2017; and for the Restricted Residential Areas in Tomioka Town, April 1, 2017. However, the evacuation orders for the Difficult-to-return Areas in Namie, Futaba and Okuma towns still continue; therefore, the residents have not yet been allowed to return.

To date, 11 Plaintiffs ([], [] (1-1, 1-2), [], [] (7-1, 7-2), [] (29), [], [] (33-1, 33-2) [], [] (72-1, 72-2), [] (76, the original family name []), and [] (80)) have returned to Naraha Town; 12 Plaintiffs ([] (21), [], [] (31-1, 31-2), [], [], [], [] (48-1, 48-2, 48-3, 48-4), [] (67), [], [], [], and [] (68-1, 68-2, 68-3, 68-4)) have returned to Hirono Town; and Plaintiff [] (38-2) has returned to Kawauchi Village.

(3) Defendant's liability for and payment of damages

With regard to the damage (nuclear damage) to the Plaintiffs caused by the dispersion of radioactive substances due to the Accident, the Defendant is, regardless of its own negligence, liable for the damages under Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage.

The Defendant admits that it is liable for payment of damages to the Plaintiffs pertaining to compensation for the evacuee life, property damage and other expense items as described in Table 2 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), and liable for damages as described in the amounts asserted by the Defendant in Table 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), following the Interim Guidelines (including up to the Fourth Supplement thereto) formulated by the Dispute Reconciliation Committee for Nuclear Damage Compensation for determination, etc., of the scope of nuclear damage caused by the Accident, in accordance with Article 18, paragraph (2), item (ii) of the Act on Compensation for Nuclear Damage.

In this connection, depending on the levels of evacuation orders for the areas where the Plaintiffs had their residences as bases for living at the time of the Accident, the principles of payment of compensation in connection with the evacuee life shall be as follows:

A. Difficult-to-return Areas

14,500,000 yen (i.e., [1] 7,500,000 yen = 100,000 yen per month × 75 months from March 2011 to May 2017, plus [2] 7,000,000 yen, as compensation for the prolonged evacuation)

B. Areas that used to be the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas

8,500,000 yen (i.e., 100,000 yen per month × 85 months from March 2011 to March 2018 (i.e., regardless of the timing of lifting of evacuation orders, the period until the lifting of the final evacuation order, April 1, 2017, plus a reasonable period of one year))

C. Areas that used to be the Emergency Evacuation-Prepared Areas

1,800,000 yen (i.e., 100,000 yen per month × 18 months from March 2011 to August 20, 2012)

Other than the principles above, the Defendant has admitted its liability for the payment of compensation for the evacuee life such as, as described in the respective recitals of the amount asserted by the Defendant in Tables 2 and 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), the additional compensation for the life in shelters, etc., (20,000 yen per month), the additional compensation for persons requiring long-term care, etc., compensation for separation from pets, damage related to voluntary evacuation, and psychological damage concerning school life, etc., in connection with the life of evacuees, etc., in the area that used to be the Emergency Evacuation-Prepared Areas (350,000 yen = 7 months from September 2012 to March 2013 × 50,000 per month), and paid them.

2. Appeals in the Case

(1) Plaintiffs' claims in the first instance

In accordance primarily with Article 709 of the Civil Code and secondarily with Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage, the Plaintiffs sought damages in the amount they asserted in Table 3 of Exhibit 6 (Basic Information, etc., about the Plaintiffs) of the Original Judgment, plus the late charge accrued thereon at a rate of 5% per annum as specified in the Civil Code from the date of the Accident until payment in full is made.

The amount claimed per Plaintiff is calculated by deducting the paid amount from the sum of [1] the compensation for the evacuee life (i.e., compensation for psychological damage due to the disturbance of daily life as a result of the evacuation, also called the evacuation compensation), [2] the home loss compensation (i.e., compensations for tangible and intangible damage due to the loss of local life interests and for psychological distress, also called the home loss/devastation compensation), and, for some of the Plaintiffs, [3] property damage (home and contents), and by adding the attorneys' fees.

In general, the compensation claim amount is, without exception, as follows:

[1] compensation for the evacuee life: 38,000,000 yen (i.e., 500,000 yen per month × 76 months, whether or not returned to the home before evacuation, from March 2011 through June 2017; provided, however, that, such compensation shall be paid up to 53,200,000 yen (i.e., 700,000 yen per month) for the disabled persons, and that this does not apply to Plaintiff [] (60-3; the original family name: []) because he/she has not evacuated).

[2] Home loss compensation: 20,000,000 yen

(2) Original decision

The Plaintiffs' secondary claims based on Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage were partially awarded in the original decision as follows:

Stating that the amount of compensation with a combination of the compensation for home loss/devastation and the evacuation compensation should be determined by comprehensively evaluating all the elements of the compensation for home loss/devastation and the evacuation compensation asserted by the Plaintiffs, comparing the respective Plaintiff's living situation before and after the occurrence of the Accident, and determining the existence/non-existence and/or extent of loss/devastation of local societies and disturbance of their daily life, the original decision admitted the compensation amount per Plaintiff as follows, unless the circumstances are exceptional, depending on the levels of evacuation orders for the areas that used to be their residences as bases for living at the time of the Accident:

[1] Difficult-to-return Area: 16,000,000 yen

[2] The Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 10,000,000 yen

[3] Emergency Evacuation-Prepared Area: 2,500,000 yen

Other than the damages that the Defendant admitted its liability to pay and paid to some Plaintiffs (i.e., Difficult-to-return Area: 14,500,000 yen; Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 8,500,000 yen; and Emergency Evacuation-Prepared Area: 1,800,000 yen), the amount of compensation will be as described below. If the Defendant pays the additional amount of damages depending on the relevant Plaintiff's individual circumstance (e.g., life in the shelter, etc., a person requiring long-term care, etc., school life, etc.), the amount after deducting the paid amount is equivalent to the amount of compensation because the paid amount is deducted upon admission of the increased amount of compensation that is equivalent to the paid amount.

[1] Difficult-to-return Area: 1,500,000 yen

[2] The Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 1,500,000 yen

[3] Emergency Evacuation-Prepared Area: 700,000 yen

With respect to property damage, stating that it was not found that the damage had occurred in excess of the limit admitted by the Defendant as the amount of compensation, the original decision admitted the amount of property damage asserted by the Defendant as indicated in Table 3 of Exhibit 6 (Basic Information, etc., about the Plaintiffs) of the Original Decision.

The original decision admitted, for the Plaintiffs other than those listed below, the secondary claim seeking the payment of damages (with the deduction of the paid amount from the sum of the amounts of the compensation and property damage above, and the addition of the attorneys' fees (i.e., 150,000 yen for [1] or [2], or 70,000 yen for [3], regardless of the amount awarded for property damage)) and of the late charge from the date of the Accident, and dismissed the primary claim and the other secondary claims. The amounts awarded for other than property damage are as follows:

[1] Difficult-to-return Area: 1,650,000 yen

[2] The Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 1,650,000 yen

[3] Emergency Evacuation-Prepared Area: 770,000 yen

With respect to Plaintiff [] (20-3), the original decision determined that the Court cannot admit the compensation exceeding the amount of 80,000 yen admitted by the Defendant because the Plaintiff used a hospital in Iwaki City as its base for living and admitted the claim up to the extent of the same amount.

With respect to Plaintiff [] (37), the original decision determined that, considering comprehensively that the Plaintiff worked away from home and used the company dormitory located in Tomioka as a base for living, but was at work in Tokai Village in Ibaraki Prefecture at the time of the Accident and thereafter stayed in the company dormitory there, the amount of compensation does not exceed the amount of 1,500,000 yen paid by the Defendant, and admitted the claim only for property damage.

With respect to Plaintiff [] (60-3) and Plaintiff [] (82-7), the original decision determined that the compensation to them cannot be admitted because their residences as bases for living were in Ayase City in Kanagawa Prefecture or Toyama City in Toyama Prefecture, respectively, and dismissed the claims from both Plaintiffs.

(3) Plaintiffs' Appeal

The Appellant-Plaintiffs appealed against a part of the original decision's dismissal of their primary and secondary claims for compensation.

In this appeal, the Plaintiffs above, as indicated in the amount asserted by the Plaintiffs in Table 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), seek basically the payment of the amounts awarded in the first instance, and, as the compensation for the portion in excess of the amount of compensation to be paid admitted by the Defendant, without exception, the additional amounts of [1] 4,200,000 yen as compensation for the evacuee life and [2] 5,000,000 yen for home loss compensation. With the addition of 920,000 yen as the attorneys' fees to, and the deduction of the amounts awarded in the first instance from, the total of 9,200,000 yen above, the additional amount to be sought for payment in the appeal instance will in principle be as follows:

[1] Difficult-to-return Area: 8,470,000 yen

[2] The Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 8,470,000 yen

[3] Emergency Evacuation-Prepared Area: 9,350,000 yen

Provided, however, that Plaintiff [] (20-3) has no objection to the dismissed part of the claim for compensation for the evacuee life, and Plaintiff [] (82-7) seeks only the additional payment of 150,000 yen (part of the monthly evacuation compensation of 500,000 yen) in the appeal instance.

With respect to the dismissed part of the property damage claim, only Plaintiff [] (2), Plaintiff [] (37), Plaintiff [] (38-1) and Plaintiff [] (51-1) have objected to the original decision, and, as described in the amount asserted by the Plaintiffs in Table 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), the additional amount to be sought in the appeal instance shall be the sum of the amount of property damage and the attorneys' fees.

(4) Defendant's appeal

The Defendant appealed against a part of the partially awarded claim of the Plaintiffs (excluding Plaintiff [] (20-3)) in the original decision. Provided, however, that the Defendant admits its liability for the payment of the amount asserted by

the Defendant in Table 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs).

3. Overview of facts and issues

The outline of the facts, issues, and the findings that form the basis of the parties' assertions and determinations about the issues shall be complemented as follows, and, other than the correction as described in Exhibit 5 (List of the Corrections to the Original Judgment) (hereinafter the corrections to the cited part of the Original Judgment shall be based on such List of Corrections), shall be as described in Chapter 2, Sections 2 and 3, and Chapter 3, Section 2 (however, excluding Subsection 6; see Section V below).

4. Succession due to death of Plaintiffs

The inheritance, and the succession of action, of the seven Plaintiffs who died after the filing of the action shall be as indicated in the Original Judgment and as follows:

[] died on May 30, 2019, and Successor [] (9-1-1) of late Plaintiff [] succeeded all the rights and obligations of such Plaintiff, and the action.

[] died on February 12, 2018, and Successor [] (13-4-1) of late Plaintiff [] succeeded a half of such Plaintiff's rights and obligations, and Successor [] (13-4-2), Successor [] (13-4-3) and Successor [] (13-4-4) of such Plaintiff succeeded a sixth each of such rights and obligations.

After the legacy division conference between the Successors (Plaintiffs Nos. 54-4-1 through 54-4-5) of late [], Successor [] (54-4-5) of late Plaintiff [] succeeded all the rights and obligations of late [], and the other Successors' action in this instance (the other Successors procedurally withdrew the action, and Successor [] (54-4-5) of late Plaintiff [] expanded the object of the claim and the object of the appeal). In addition, such Plaintiff withdrew the action concerning property damage in this instance.

[] died on November 3, 2015, and Successor [] (55-2-1) of late Plaintiff [] succeeded all the rights and obligations of [], and the action.

[] died on August 9, 2017, and Successor [] (66-2-1) of late Plaintiff [] succeeded a half of the rights and obligations of late [], and the action, and Successor [] (66-2-2), Successor [] (66-2-3) and Successor [] (66-2-4) of such Plaintiff succeeded a sixth each thereof, and the action.

5. Supplementary assertions of the parties in this instance (Summary)

(1) Plaintiffs' assertion

A. Plaintiffs' psychological damage (compensation)

The infringed interests (legal interests to be protected) in the Case is the "rights to a peaceful life as the comprehensive interests in life" which are categorized as personal rights, that is, the personal rights defined as "the rights to enjoy the "comprehensive interests in life", including the right to exist, the physical and mental personal rights (including the right to a peaceful life connected to the right to protect one's body) and property rights, which are the very interests in life to live a peaceful life in local society." What are questioned in the Case are, in particular, the damage mainly based on the infringement of the "interests in life to live a peaceful life" (evacuation compensation) and the damage mainly based on the infringement of the "right to enjoy the "comprehensive interests in life"" (compensation for home loss).

The “home loss compensation” is for the damage due to the loss of interests that used to be enjoyed before the Accident, and the “evacuation compensation” is for the damage newly caused by the Accident; therefore, the amounts of such damage should be calculated respectively as separate damage items. Also, the “home loss compensation” includes not only psychological distress (i.e., compensation in the narrow sense) but also tangible and intangible damage to financial assets due to the loss of comprehensive interests in life.

Moreover, the loss of the comprehensive interests in life is the irreversible and irreparable damage, which cannot be recovered by the lifting of an evacuation order, etc.

B. Factors contributing to the increase in compensation

With respect to factors contributing to the increase in compensation, any and all circumstances concerning the Defendant’s manner of acts should be taken into consideration, which should not be limited to the case where the Defendant has any intention or gross negligence that should be deemed equivalent thereto.

(2) Defendant’s assertions

A. Plaintiffs’ psychological damage (compensation)

Although the Plaintiffs claim compensation for the psychological damage by separating it into “evacuation compensation” and “home loss compensation”, the circumstances asserted by the Plaintiffs as factors that form the basis of the psychological distress above are overlapped, or closely interconnected, and the infringed interests are common; therefore, there is no need to respectively calculate the amount of damage by separating the damage items. Rather, in order to avoid double counting of the same damage, the psychological damage should be understood without being divided into these damage items, and then the amount of damage should be calculated.

B. Methods of determination of compensation

There are a variety of the Plaintiffs’ living situations before and after the Accident, with the background of their ways of life, creed, psychophysical conditions, age, circumstances, social positions, human relationships, etc., and on the assumption of their specific evacuation experiences; therefore, there are great differences in the degrees of psychological distress suffered by the respective Plaintiffs. Hence, after calculating the amount of compensation in light of the above, it should be individually determined whether there is any compensation to be admitted that exceeds the amount paid by the Defendant.

C. Reasonableness of the compensation standards for psychological damage set by the Defendant

The Defendant presents the amount of compensation for the psychological damage, in light of the Interim Guidelines, etc., specified as “general guidelines” under Article 18 of the Act on Compensation for Nuclear Damage.

The psychological damage of those subject to evacuation, etc., is usually highly individual; however, the Interim Guidelines, etc., do not provide for the minimum standards for evacuation compensation, but provide for the types of evacuation compensation with the level that is enough to compensate psychological damage suffered by many of those subject to evacuation, etc., in order to promote voluntary dispute settlement. Also, in light of the fact that the Interim Guidelines, etc., are widely accepted by those who are subject to

evacuation, etc., in extra-judicial dispute settlement, the content of the Interim Guidelines, etc., should be considered and respected to the greatest extent possible as rules equivalent to rule of law even in judicial processes.

III. Summary of the Court's decision

1. Outline

(1) Plaintiffs' appeal

In calculating compensation, the Court determines that it is reasonable that the compensation of 11,000,000 yen (i.e., 1,000,000 yen more than 10,000,000 yen awarded in the original decision) plus the attorneys' fees of 100,000 yen, and the additional claim amount of 1,100,000 yen (i.e., the amount of difference from the amounts awarded in the first instance), shall be awarded to the 125 Plaintiffs (including those who have died) who evacuated from the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas, and that the compensation of 3,000,000 yen (i.e., 500,000 yen more than 2,500,000 yen awarded in the original decision) plus the attorneys' fees of 50,000 yen, and the additional claim amount of 550,000 yen (i.e., the amount of difference from the amount awarded in the first instance), shall be awarded to the 21 Plaintiffs who evacuated from the Emergency Evacuation-Prepared Areas, in consideration of [1] the psychological distress caused by facing the specific risk of serious radiation damage, losing familiar life suddenly, and being forced to evacuate, [2] the psychological distress caused by being forced to live a prolonged evacuee life, and [3] the tangible/intangible damage and psychological distress due to the loss of interests by living a local community life as a result of the loss or change of home, due to the serious accident involving the dispersion of a large amount of radioactive substances caused by the hydrogen explosions at the nuclear power plant. [Underlined by the editor.]

The total of the additional amounts to be awarded in the appeal instance will be 149,050,000 yen for the aforementioned 146 Plaintiffs and the Successors of the deceased Plaintiffs. It will be 149,050,000 yen, including the additional amount to be awarded of 900,000 yen, for a Plaintiff whose paid amount is small, after correcting an error in the calculation of the amount of damage of such Plaintiff.

With respect to the compensation for the Plaintiffs who evacuated the Difficult-to-return Areas, the Court also determines that the amount of 16,000,000 yen awarded in the original decision is still reasonable, even in further consideration of the aforementioned circumstances, in particular, the loss of home due to the Accident. [Underlined by the editor.]

The original decision about the compensation to the Plaintiffs and the property damage suffered by some Plaintiffs that constitutes an exception to the determination above is reasonable.

(2) Defendant's appeal

The Defendant's appeal has grounds to the extent that the Defendant requests the Plaintiffs, to whom compensation has already been paid, to reduce the amount of compensation by the amount of such paid compensation, and no grounds for the remainder.

2. Breakdown of compensation calculation

(1) Difficult-to-return Area: 16,000,000 yen

[1] Compensation for being forced to evacuate: 1,500,000 yen

[2] Compensation for continuation of the evacuee life: 8,500,000 yen
100,000 yen per month × 85 months from March 2011 to March 2018 (the same amount shall apply to those who died during the period)

[3] Home loss compensation: 6,000,000 yen

(2) The Restricted Residential Area or the Evacuation Order Lifting Preparation Area: 11,000,000 yen

[1] Compensation for being forced to evacuate: 1,500,000 yen

[2] Compensation for continuation of the evacuee life: 8,500,000 yen

100,000 yen per month × 85 months from March 2011 to March 2018 (the same amount shall apply to those who died or returned during the period)

[3] Compensation for home devastation: 1,000,000 yen

(3) Emergency Evacuation-Prepared Area: 3,000,000 yen

[1] Compensation for being forced to evacuate: 700,000 yen

[2] Compensation for continuation of the evacuee life: 1,800,000 yen

100,000 yen per month × 18 months from March 2011 to August 2012

[3] Compensation for home devastation: 500,000 yen

IV. Primary claim based on tort

As described in Chapter 3, Sections 1-1 and 1-2 of the Original Judgment, the Court also determines that, without any need to make further judgment on the other points, there are no grounds for the Plaintiffs' primary claim to seek, in accordance with Article 709 of the Civil Code, compensation for damages caused by tort in connection with the Accident because they seek compensation based on the provisions on tort under Article 709 of the Civil Code that is excluded from the application of Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage with respect to damages for which there is no dispute concerning the existence of any liability for damages thereunder.

A nuclear operator's liability for damages under Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage is admitted for all the damage for which a causal link is identified with the operation, etc., of a nuclear reactor, and there is no provision that limits such liability. Hence, by simply interpreting that the application of the provisions of Article 709 of the Civil Code is excluded by Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage, it can be said that, from a substantive point of view, this system is designed to be reasonable in accordance with the purpose of Article 1 of the Act on Compensation for Nuclear Damage by establishing the basic system for compensation in the case of nuclear damage caused by the operation, etc., of a nuclear reactor in order to protect the victims.

V. Post-evacuation local circumstances

The following facts are admitted based on the evidence and the entire import of oral argument.

1. Minamisoma City

(1) Trends in air radiation doses

The results of measurement of air dose rates are as follows (unit: $\mu\text{Sv/h}$; measured altitude: 100 cm; the same applies to all the following municipalities): (Defendant B 94, 136, 148, 168, 169, 203 and 204)

A. Odaka Ward, Minamisoma City (Odaka Ward Office)

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	0.156
September 30, 2013	0.123
September 30, 2014	0.101
September 30, 2015	0.086
September 30, 2016	0.07
September 28, 2017	0.06
September 28, 2018	0.056
August 21, 2019	0.056
November 1, 2019	0.055

B. Haramachi Ward, Minamisoma City (Minamisoma City Office (former Haramachi Ward Office))

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	0.345
September 30, 2013	0.257
September 30, 2014	0.195
September 30, 2015	0.15
September 30, 2016	0.116
September 28, 2017	0.094
September 28, 2018	0.098
August 21, 2019	0.095
November 1, 2019	0.093

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 4,385 Minamisoma citizens who took such examination by August 2019, there was no examinee whose committed effective dose was 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 26,013 Minamisoma citizens as the survey subjects was as follows: 19,128 citizens were exposed to less than 1 mSv; 6,222 citizens, 1 mSv or more and less than 2 mSv; 513 citizens, 2 mSv or more and less than 3 mSv; 99 citizens, 3 mSv or more and less than 4 mSv; and 35 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.9% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B95 and 137)

A. For the Special Decontamination Areas in Minamisoma City, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in April 2012, and partially revised it in December 2013. Such Plan is intended for the areas that were the Restricted Areas or the Planned

Evacuation Areas as of December 13, 2011. The decontamination by the government began on August 26, 2013, mainly from the Evacuation Order Lifting Preparation Areas, and completed in March 2017.

B. Minamisoma City formulated the Decontamination Implementation Plan in Minamisoma City (Version 1) in November 2011, the Decontamination Implementation Plan in Minamisoma City (Version 2) in January 2013 (revised in June 2013), the Decontamination Implementation Plan in Minamisoma City (Version 3) in January 2014, the Decontamination Implementation Plan in Minamisoma City (Version 4) in March 2015, the Decontamination Implementation Plan in Minamisoma City (Version 5) in March 2017, and the Decontamination Implementation Plan in Minamisoma City (Version 6) in May 2018. The decontamination by Minamisoma City is intended for the whole of Minamisoma City (including specific spots recommended for evacuation), other than the Special Areas for Decontamination in which decontamination is to be conducted by the government. The Decontamination Implementation Plan in Minamisoma City (Version 6) sets forth, for example, that the follow-up decontamination shall be conducted for the places that are recontaminated or those where the effects of decontamination are not maintained in living areas by the end of March 2018.

(4) Demographics (Plaintiff A555 and 556; Defendant B79, 97, 122 and 205)

The number of registered residents was 71,561 (Odaka Ward: 12,842; Kashima Ward: 11,603; Haramachi Ward: 47,116) as of March 11, 2011, while the number of resident population was 53,683 as of October 1, 2019, and the number of registered residents was 59,949 (Odaka Ward: 7,524; Kashima Ward: 10,448, Haramachi Ward: 41,977) as of September 30, 2019. Also, the number of children evacuees was 5,606 (1,969 within Fukushima Prefecture; 3,637 outside Fukushima Prefecture) as of April 1, 2012, while it was 3,654 (2852 within Fukushima Prefecture; 802 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A755; Defendant B98, 171 and 172)

A. Public services

Minamisoma City has continued services at Minamisoma City Office (former Haramachi Ward Office). Also, Odaka Ward Office in Minamisoma City has resumed services. Public infrastructures (main roads, water and sewer systems, etc.) had been largely recovered by fiscal year 2013.

JR Joban Line resumed operations between Odaka and Namie Stations in April 2017 and thus the operations between Sendai and Namie Stations. Moreover, the substitute bus services started operating between JR Joban Line Namie and Tomioka Stations from October 2017, and the highway express bus services started operating between Minamisoma City and Tokyo area from April 2015.

B. Commercial facilities

In Haramachi Ward, Minamisoma City, almost all facilities (excluding some stores) have resumed operations.

In Odaka Ward, Minamisoma City, in addition to the resumption of operations of Higashimachi Engawa Shoten, six eating/drinking establishments, three convenience stores, a fish shop, a hat and bag shop, a clothing shop, a book

shop, etc., some service stations, barbershops, hair salons, etc., have also resumed operations; in December 2018, a publicly established, privately operated commercial facility “Odaka Store” started operations. Also, Abukuma Shinkin Bank, Odaka Post Office, Hansaki Simple Post Office, Toho Bank, and Odaka Sogo and Fukuura Branches of JA-Fukushima Mirai resumed operations.

C. Educational facilities

Kindergartens, and nursery, elementary, junior high and high schools resumed operations; however, some kindergartens and nursery schools have been temporarily closed.

D. Medical and welfare institutions

It used to be that 8 hospitals and 39 clinics provided medical care, etc., before the Accident, while 6 hospitals and 31 clinics, as of December 2018. Also, the “Stroke Center” was established in Minamisoma Municipal General Hospital in February 2017, and Odaka Dispensing Pharmacy reopened in April 2017, and COSMO Dispensing Pharmacy Odaka Shop opened in December 2017.

(6) Residents’ intention survey (Plaintiff A756)

The Reconstruction Agency, Fukushima Prefecture and Minamisoma City conducted the residents’ intention survey of household representatives who had been registered in areas where evacuation orders were lifted in Minamisoma City from November 21, 2016 through December 5, 2016, the results of which were as follows:

A. In response to the question about the current living place, [1] 13.5% of all the respondents to the survey answered “I have returned to the home where I lived at the time of the earthquake”, [2] 66.6% answered “I live in a place other than the home where I used to live at the time of the earthquake”, and [3] 14.6% answered “I stay sometimes at the home where I lived at the time of the earthquake and sometimes at another living place”.

In response to the question about their permanent dwelling places, [A] 30.1% of the respondents who answered [2] or [3] above answered “I would like to live in the home where I lived at the time of the earthquake”, [B] 15.9% answered “I would like to live (or have already lived) in the same area (Odaka or Haramachi Ward) even in a residence that is different from the one I lived in at the time of the earthquake”, [C] 12.6% answered “I would like to live (or have already lived) in Minamisoma City (other than in the area I lived at the time of the earthquake)”, [D] 17.1% answered “At the moment, I have not decided yet”; and [E] 19.3% answered “I would like to live (or have already lived) in a place other than Minamisoma City”.

In response to the question about the timing to move (or have moved) to the permanent dwelling place, 28.2% of the respondents who answered [A], [B] or [C] above answered “I have already moved”, 40.7% answered “within one year”; 18.6% answered “within three years”, 3.6% answered “within five years”, and 3.1% answered “after five years”.

B. In response to the question about their intention to return to Minamisoma City, [1] 13.5% of all the respondents to the survey answered “I have returned to the home where I lived at the time of the earthquake”, [2] 37.3% answered “I would like to live (or have already lived) in the area where I lived at the time of the earthquake”, [3] 13.9% answered “At the moment I have not decided yet”, [4]

10.2% answered “I will not return to the area where I lived at the time of the earthquake, but I would like to live (or have already lived) in Minamisoma City”; and [5] 15.7% answered “I will not return to Minamisoma City (i.e., currently living outside Minamisoma City)”. Looking by age group, of the respondents who answered [1] above: 0% were 10s-20s; 3.4%, 30s; 6.3%, 40s; 7.7%, 50s; 15.3%, 60s; and 17.4%, 70s or older; of those who answered [2] above: 0% were 10s-20s; 13.6%, 30s; 25.2%, 40s; 37.8%, 50s; 38.3%, 60s; and 41.2%, 70s or older; and of those who answered [4] above: 16.7% were 10s-20s; 20.3%, 30s; 12.6%, 40s; 15.9%, 50s; 9.8%, 60s; and 6.3%, 70s or older.

C. In response to the question about the reasons why they have not decided their future permanent dwelling place at the moment, [1] with respect to concerns about the nuclear power plant and health, 53.0% of the respondents who answered [D] in paragraph A above said “There are concerns about the safety of the nuclear power plant (i.e., the statuses of restoration from the accident and of reactor decommissioning)”, 39.8% answered “I feel concerns about whether the radiation level will decrease and whether the decontamination will be effective”, and 33.2% answered “There are concerns about the safety of water (e.g., tap water)”; [2] with respect to the recovery/reconstruction status in the City, 61.1% answered “There are concerns about the medical environment”, 51.8% answered “It is unlikely that commercial facilities necessary for living will recover”, and 40.1% answered “There are concerns about caregiving and welfare services”; and [3] with respect to the future life, 39.5% answered “It is more convenient to live in the shelter”, 27.8% answered “Neighbors and friends are also unlikely to return”, and 13.8% answered “I would like to continue the children’s education in the current situation”.

D. In response to the question about the reasons why they would like to live (or have lived) in places other than Minamisoma City, [1] with respect to concerns about the nuclear power plant and health, 54.8% of the respondents who answered [E] in paragraph A above answered “There are concerns about the safety of the nuclear power plant (i.e., the statuses of restoration from the accident and of reactor decommissioning)”, 40.7% answered “I feel concerns about whether the radiation level will decrease and whether the decontamination will be effective”, and 34.7% answered “There are concerns about the physical effects of radiation”; [2] with respect to the recovery/reconstruction status in the City, 53.2% answered “There are concerns about the medical environment”, 47.4% answered “It is unlikely that commercial facilities necessary for living will recover”, and 36.0% answered “There are concerns about caregiving and welfare services”; and [3] with respect to the future life, 53.4% answered “I have already obtained a permanent home”, 46.0% answered “It is more convenient to live in the shelter”, and 20.6% answered “Neighbors and friends are also unlikely to return”.

2. Namie Town

(1) Trends in air radiation doses (Defendant B100, 139, 174 and 207)

The results of measurement of air dose rates in Namie Town (at Namie Town Office) are as follows:

Measurement date	Measured value
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September 30, 2011	No record
September 30, 2012	0.166
September 30, 2013	0.138
September 30, 2014	0.112
September 30, 2015	0.091
September 30, 2016	0.072
September 28, 2017	0.065
September 28, 2018	0.062
August 21, 2019	0.061
November 1, 2019	0.059

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 12,464 Namie citizens who took such examination by August 2019, there were 7 examinees whose committed effective doses were 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 8,466 Namie citizens as the survey subjects was as follows: 5,762 citizens were exposed to less than 1 mSv; 2,118 citizens, 1 mSv or more and less than 2 mSv; 383 citizens, 2 mSv or more and less than 3 mSv; 68 citizens, 3 mSv or more and less than 4 mSv; and 40 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 98.9% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B101)

For the decontamination special areas in Namie Town, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in November 2012 for decontamination special areas in Namie Town. The decontamination by the government was completed in March 2017.

(4) Demographics (Plaintiff A569 and 570; Defendant B79, 102, 122 and 208)

The number of registered residents was 21,434 as of March 11, 2011, while the numbers of registered residents and residents in the Town were 17,270 and 1,138, respectively, as of September 30, 2019. Also, the number of child evacuees was 3,298 (1,879 within Fukushima Prefecture; 1,419 outside Fukushima Prefecture) as of April 1, 2012, while it was 2,725 (1,783 within Fukushima Prefecture; 942 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A747; Defendant B176)

A. Public services

Namie Town Office has resumed services at its main building (located in Kiyohashi, Namie Town) from April 2017. Also, Nihonmatsu Office, Fukushima, Iwaki and Minamisoma Branch Offices have been established.

JR Joban Line resumed operations between Odaka and Namie Stations in April 2017 and thus the operations between Sendai and Namie Stations have resumed.

Also, on-demand taxi services started operations from April 2017, and circular bus services between Minamisoma and Namie and shuttle bus services between Motomiya and Nihonmatsu, from April 2018.

B. Commercial facilities

Three service stations and two convenience stores resumed operations, and in October 2016, a temporary commercial facility “Machinami Marche” started operations in the premises of the municipal government office. Also, Namie Branch of Abukuma Shinkin Bank resumed operations, and Namie and Futaba branches of Toho Bank moved to and began operations in the Kiyohashi area.

C. Educational facilities

A kindergarten-childcare-collaboration-type center for early childhood education and care “Namie Nijiuro Kodomoen”, and Namie Sosei Elementary and Junior High Schools were opened in April 2018.

D. Medical and welfare institutions

In March 2017, Namie Clinic was opened in Kiyohashi.

(6) Residents’ intention survey (Plaintiff A748)

The Reconstruction Agency, Fukushima Prefecture and Namie Town conducted the intention survey for Namie residents from December 11-22, 2017, the results of which were as follows:

A. In response to the question about intention to return to Namie Town, [1] 3.3% of all the respondents to the survey answered “I have already returned”, [2] 13.5% answered “I wish to return immediately/sometime”, [3] 31.6% answered “I have not decided yet”, and [4] 49.5% answered “I have decided not to return”. Looking by age group, of the respondents who answered [1] above: 4.7% were 10s-20s; 2.3%, 30s; 2.1%, 40s; 3.4%, 50s; 3.1%, 60s; and 3.7%, 70s or older; and of those who answered [2] above: 7.0% were 10s-20s; 6.9%, 30s; 11.5%, 40s; 14.4%, 50s; 15.5%, 60s; and 13.3%, 70s or older.

B. In response to the question about the timing of returning to Namie Town, 20.6% of the respondents who answered [2] in paragraph A above answered “I would like to return immediately”, 31.2% answered “I would like to return sometime (within five years)”, 24.7% answered “I cannot immediately return, but would like to return sometime (after five years)”, and 15.2% answered “I would like to return sometime (I have no idea when)”. In response to the question about the conditions for returning, 64.2% of the respondents who answered “I would like to return sometime” above said “Improvement in medical/nursing care”, 60.2% said “Improvement in commercial and service-sector facilities, etc.”, 33.8% said “Being able to live in the original house”, and 29.4% said “After there is some progress in residents’ returning”.

C. In response to the question about the necessary condition for making the decision to return, 60.9% of the respondents who answered [3] above said “Prospects when medical/nursing care will recover”, 51.5% said “Prospects when commercial and service-sector facilities, etc., will recover”, 40.9% said “Prospects of how many residents will return”, 33.9% said “Prospects of decrease in radiation doses; status of decontamination progress”, and 33.4% said “Information on the safety of the nuclear power plant (i.e., the statuses of restoration from the accident and of reactor decommissioning)”.

D. In response to the question about why they have decided not to return, [1] with respect to the premise of returning and health, 38.1% of the respondents who answered [4] in paragraph A above said “There are concerns about the safety of the nuclear power plant”, 34.3% said “There are concerns about the safety of water (e.g., tap water)”, and 33.0% said “There are concerns that the radiation doses have not decreased”; [2] with respect to the recovery status in the Town, 42.6% answered “There are concerns about the medical environment”, 37.6% answered “It is unlikely that commercial facilities necessary for living will recover”, and 33.1% answered “It is not a situation where I can live in my home due to its contamination and deterioration”; and [3] with respect to the future life, 34.7% answered “It is more convenient to live in the shelter”, 24.9% answered “Other residents seem unlikely to return either”, and 24.0% answered “Other community members will not return”.

3. Futaba Town

(1) Trends in air radiation doses (Defendant B109, 131, 185 and 217)

The results of measurement of air dose rates in Futaba Town (at Futaba Town Gym) are as follows:

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	5.131
September 30, 2013	3.914
September 30, 2014	2.916
September 30, 2015	2.379
September 30, 2016	1.869
September 28, 2017	1.536
June 24, 2018	1.412
September 28, 2018	1.307
August 21, 2019	1.052
November 1, 2019	0.796

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 2,988 Futaba citizens who took such examination by August 2017, there were 6 examinees whose committed effective doses were 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 3,264 Futaba citizens as the survey subjects was as follows: 2,675 citizens were exposed to less than 1 mSv; 468 citizens, 1 mSv or more and less than 2 mSv; 77 citizens, 2 mSv or more and less than 3 mSv; 19 citizens, 3 mSv or more and less than 4 mSv; and 6 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.4% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Plaintiff A691 and 692; Defendant B132-134)

A. For the decontamination special areas in Futaba Town, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in July 2014. The decontamination by the government was completed in March 2016.

B. On September 15, 2017, Futaba Town received the recognition of the Prime Minister in accordance with Article 17-2 of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima in connection with the Plan for Reconstruction and Revitalization of Specified Reconstruction Recovery Zone in Futaba Town. Based on such recognition, Futaba Town has promoted the recovery of infrastructures (e.g., roads, and water and sewer systems), decontamination, house demolition, etc., in an integrated manner in the specified reconstruction recovery zone in Futaba Town, thereby [1] achieving the lifting of evacuation orders for some areas such as those around Futaba Station of JR Joban Line on March 4, 2020, and [2] aiming at achieving the lifting of evacuation orders for the whole area of the specified reconstruction recovery zone by Spring in 2022.

(4) Demographics (Plaintiff A568; Defendant B79, 111, 122 and 218)

The number of registered residents was 7,147 as of March 11, 2011, while the number of evacuees was 6,868 (4,060 within Fukushima Prefecture; 2,808 outside Fukushima Prefecture) as of September 30, 2019. Also, the number of child evacuees was 1,130 (472 within Fukushima Prefecture; 658 outside Fukushima Prefecture) as of April 1, 2012, while it was 822 (479 within Fukushima Prefecture; 343 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A696; Defendant B187)

A. Public services

No public transportation has resumed operations in the Town; however, the interrupted section between Namie and Tomioka Stations (including Futaba Station) of JR Joban Line is planned to resume operations on March 14, 2020.

B. Commercial facilities

Two service stations resumed operations.

C. Educational facilities; Medical and welfare institutions

No facilities/institutions have reopened in the Town.

(6) Residents' intention survey (Plaintiff A698)

The Reconstruction Agency, Fukushima Prefecture and Futaba Town conducted the intention survey for Futaba residents from October 29 through November 14, 2018, the results of which were as follows:

A. In response to the question about intention to return to Futaba Town, [1] 10.8% of all the respondents to the survey answered "I wish to return (including a future hope)", [2] 25.6% answered "I have not decided yet", and [3] 61.5% answered "I have decided not to return". Looking by age group, of the respondents who answered [1] above: 0% were 10s-20s; 6.7%, 30s; 10.1%, 40s; 10.9%, 50s; 11.0%, 60s; and 12.5%, 70s or older.

In response to the question about the timing of returning to Futaba Town, 29.8% of the respondents who answered [1] above said "Within one year", 11.2% said "Within three years", 35.4% said "I would like to see what happens", and 9.9% said "I would like to wait until I will be able to return to my home outside the specified reconstruction zone".

B. In response to the question about what is necessary to determine to return, 59.0% of the respondents who answered [1] in paragraph A above said “Reopening or establishment of medical/nursing care welfare facilities”, 57.1% said “Repair or reconstruction of my home, or assistance for securing housing”, 39.8% said “Reopening or establishment of commercial facilities”, 23.0% said “Further reduction of radiation doses”, and 13.7% said “Resumption of public transportation”.

4. Okuma Town

(1) Trends in air radiation doses (Defendant B106, 125, 182 and 213)

The results of measurement of air dose rates in Okuma Town (at Ottozawa District 3 Meeting Place) are as follows:

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	33.319
September 30, 2013	26.947
September 30, 2014	20.474
September 30, 2015	15.141
September 30, 2016	11.433
September 29, 2017	11.345
June 22, 2018	9.805
September 28, 2018	8.978
August 21, 2019	8.251
November 1, 2019	7.781

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 5,116 Okuma citizens who took such examination by August 2019, there were 4 examinees whose committed effective doses were 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 4,811 Okuma citizens as the survey subjects was as follows: 3,371 citizens were exposed to less than 1 mSv; 1,284 citizens, 1 mSv or more and less than 2 mSv; 112 citizens, 2 mSv or more and less than 3 mSv; 17 citizens, 3 mSv or more and less than 4 mSv; and 6 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.6% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Plaintiff 703-705; Defendant B107, 126 and 127)

A. For the decontamination special areas in Okuma Town, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in December 2012. The decontamination by the government was completed in March 2014.

B. On November 10, 2017, Okuma Town received the recognition of the Prime Minister in accordance with Article 17-2 of the Act on Special Measures for the

Reconstruction and Revitalization of Fukushima in connection with the Plan for Reconstruction and Revitalization of Specified Reconstruction Recovery Zone in Okuma Town. Based on such, Okuma Town has promoted the recovery of infrastructures (e.g., roads, and water and sewer systems), decontamination, house demolition, etc., in an integrated manner in the specified reconstruction recovery zone in Okuma Town, thereby [1] achieving the lifting of evacuation orders for some areas such as those around Ono Station of JR Joban Line on March 5, 2020, and [2] aiming at achieving the lifting of evacuation orders for the whole area of the specified reconstruction recovery zone by spring in 2022.

(4) Demographics (Plaintiff A567; Defendant B79, 108, 122 and 214)

The number of registered residents was 11,505 as of March 11, 2011, while the estimated residential population in the Town was 707, and the number of evacuees was 10,313 (7,848 within Fukushima Prefecture; 2,465 outside Fukushima Prefecture) as of October 1, 2019. Also, the number of child evacuees was 1,896 (1,285 within Fukushima Prefecture; 611 outside Fukushima Prefecture) as of April 1, 2012, while it was 1,927 (1,419 within Fukushima Prefecture; 508 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A706; Defendant B184)

A. Public services

No public transportation has resumed operations in the Town; however, the interrupted section between Namie and Tomioka Stations (including Ono Station) of JR Joban Line is planned to resume operations on March 14, 2020.

B. Commercial facilities

Okuma Shokudo started operations.

C. Educational facilities; Medical and welfare institutions

No facilities/institutions have reopened in the Town.

(6) Residents' intention survey (Plaintiff A709)

The Reconstruction Agency, Fukushima Prefecture and Okuma Town conducted the intention survey for Okuma residents from January 4-18, 2018, the results of which were as follows:

A. In response to the question about intention to return to Okuma Town, [1] 12.5% of all the respondents to the survey answered "I wish to return (including a future hope)", [2] 26.9% answered "I have not decided yet", and [3] 59.3% answered "I have decided not to return". Looking by age group, of the respondents who answered [1] above: 9.3% were 10s-20s; 11.4%, 30s; 10.3%, 40s; 9.7%, 50s; 11.9%, 60s; and 15.7%, 70s or older.

B. In response to the question about what information is necessary to determine to return, 71.8% of the respondents who answered [2] in paragraph A above said "Prospects when social foundations (infrastructure) such as roads, railway, schools and hospitals will recover", 52.5% said "Prospects of decrease in radiation doses; status of decontamination progress", 50.4% said "Information on assistance for securing housing", 50.1% said "Prospects of how many residents will return", and 45.7% said "Information on indications of timing of the lifting of the evacuation order".

5. Tomioka Town

(1) Trends in air radiation doses (Defendant B103, 142, 178 and 209)

The results of measurement of air dose rates in Tomioka Town (at Tomioka Cultural Exchange Center (former Tomioka Town Office)) are as follows:

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	No record
September 30, 2013	No record
September 30, 2014	0.814
September 30, 2015	0.616
September 30, 2016	0.504
September 29, 2017	0.193
September 28, 2018	0.179
August 21, 2019	0.170
November 1, 2019	0.163

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 4,435 Tomioka citizens who took such examination by August 2019, there was 1 examinee whose committed effective dose was 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 7,066 Tomioka citizens as the survey subjects was as follows: 5,833 citizens were exposed to less than 1 mSv; 1,104 citizens, 1 mSv or more and less than 2 mSv; 100 citizens, 2 mSv or more and less than 3 mSv; 18 citizens, 3 mSv or more and less than 4 mSv; and 3 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.9% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B104)

For the decontamination special areas in Tomioka Town, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in June 2013. The decontamination by the government was completed in January 2017.

(4) Demographics (Plaintiff A566; Defendant B79, 105, 122 and 210)

The number of registered residents was 15,960 as of March 1, 2011, and was 12,865 as of August 31, 2019, and the number of residents in the Town was 1,107 as of September 1, 2019. Also, the number of child evacuees was 2,597 (1,629 within Fukushima Prefecture; 968 outside Fukushima Prefecture) as of April 1, 2012, while it was 1,842 (1,429 within Fukushima Prefecture; 413 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A729; Defendant B180 and 181)

A. Public services

Tomioka Town Office has moved its office functions to its original main building and resumed services from March 2017, and also established Iwaki and Koriyama Branch Offices.

JR Joban Line resumed operations between Tomioka and Tatsuta Stations in October 2017. With respect to the section of the Line between Namie and Tomioka Stations, the substitute bus services have been operated, but the evacuation orders for some areas such as those around Yonomori Station is planned to be lifted on March 10, 2020, and accordingly the train services in such section are planned to resume on March 14, 2020. Also, the route bus services “Express Tomioka-Iwaki Stations” operate four round-trips a day; the highway express bus services “Sendai-Iwaki” line, seven round-trips a day; the “Town Loop Bus” services, six loops a day; the on-demand bus services “Sakura”, four days a week; and those running between “Tomioka Town-Kawauchi Village”, three round-trips a day.

B. Commercial facilities

Sakura Mall Tomioka (e.g., York Benimaru, DAIYU EIGHT, Tsuruha Drug and a food court operated by local eating/drinking establishments) is in operation. Also, convenience stores, financial institutions, eating/drinking establishments, service stations, etc., resumed operations.

C. Educational facilities

A kindergarten-childcare-collaboration-type center for early childhood education and care “Nikoniko Kodomoen” was opened in April 2019, and elementary and junior high schools reopened in April 2018.

D. Medical and welfare institutions

The Municipal Tomioka Clinic and the Prefectural Futaba Medical Center Affiliated Hospital opened in October 2016 and April 2018, respectively, and a clinic, Tomioka Chuo lin resumed medical care, etc., in April 2017. Also, the Council of Social Welfare resumed its activities in the Town in April 2017.

(6) Residents’ intention survey (Plaintiff A720)

The Reconstruction Agency, Fukushima Prefecture and Tomioka Town conducted the intention survey for Tomioka residents between August 20 through September 3, 2018, the results of which were as follows:

A. In response to the question about intention to return to Tomioka Town, [1] 5.2% of all the respondents to the survey answered “I have already lived in Tomioka Town”, [2] 9.9% answered “I wish to return (including a future hope)”, [3] 18.4% answered “I would like to return, but cannot do so”, [4] 16.8% answered “I have not decided yet”, and [5] 48.1% answered “I have decided not to return”. Looking by age group, of the respondents who answered [1] above: 1.6% were 10s-20s; 1.9%, 30s; 0.9%, 40s; 6.0%, 50s; 5.1%, 60s; and 6.7%, 70s or older; and of those who answered [2] above: 6.3% were 10s-20s; 8.1%, 30s; 8.8%, 40s; 11.2%, 50s; 10.9%, 60s; and 9.0%, 70s or older.

B. For the respondents who answered [3] in paragraph A above, their reasons to do so were as follows: [1] with respect to their health, “There are concerns about the safety of the nuclear power plant” (29.2%), “There are concerns that the radiation doses have not decreased” (27.4%), and “There are concerns about the safety of water (e.g., tap water)” (24.6%); and [2] with respect to the recovery status in the Town, “There are concerns about the medical environment” (34.2%), “Because my home is in the Difficult-to-return Area” (28.4%), and “It is not a situation where I can live in my home due to its contamination and deterioration” (26.6%); and [3] with respect to the future life, “There are concerns about my

livelihood because my household includes a senior person or a person requiring long-term care” (28.3%), “It is more convenient to live in the shelter” (27.5%), and “I have already acquired the foundations of my livelihood here” (27.4%).

C. For the respondents who answered [4] in paragraph A above, their reasons to do so were as follows: [1] with respect to their health, “There are concerns about the safety of the nuclear power plant” (36.0%), “There are concerns about the safety of water (e.g., tap water)” (32.2%), and “There are concerns that the radiation doses have not decreased” (30.8%); [2] with respect to the recovery status in the Town, “There are concerns about the medical environment” (44.5%), “It is unlikely that commercial facilities necessary for living will recover” (32.2%), and “There is no convenient transportation to go outside Tomioka Town” (24.9%); and [3] with respect to the future life, “It is more convenient in life in the shelter” (44.7%), “Other community members will not return” (39.0%), and “I have already acquired the foundations of my livelihood here” (26.2%).

D. For the respondents who answered [5] in paragraph A above, their reasons to do so were as follows: [1] with respect to their health, “There are concerns about the safety of the nuclear power plant” (36.2%), “There are concerns about the safety of water (e.g., tap water)” (27.4%), and “There are concerns that the radiation doses have not decreased” (25.4%); [2] with respect to the recovery status in the Town, “There are concerns about the medical environment” (32.4%), “It is not a situation where I can live in my home due to its contamination and deterioration” (27.3%), and “It is unlikely that commercial facilities necessary for living will recover” (24.5%); [3] with respect to the future life, “I have already acquired the foundations of my livelihood here” (60.4%), “It is more convenient to live in the shelter” (40.4%), and “Other community members will not return” (23.8%).

6. Naraha Town

(1) Trends in air radiation doses (Defendant B87, 145, 162 and 196)

The results of measurement of air dose rates in Naraha Town (at Naraha Town Office) are as follows:

Measurement date	Measured value
September 30, 2011	No record
September 30, 2012	0.252
September 30, 2013	0.179
September 30, 2014	0.129
September 30, 2015	0.109
September 30, 2016	0.093
September 28, 2017	0.088
September 28, 2018	0.086
August 21, 2019	0.085
November 1, 2019	0.081

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 2,664 Naraha citizens who took such

examination by August 2019, there were 3 examinees whose committed effective doses were 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 3,550 Naraha citizens as the survey subjects is as follows: 3,402 citizens were exposed to less than 1 mSv; 131 citizens, 1 mSv or more and less than 2 mSv; 13 citizens, 2 mSv or more and less than 3 mSv; 2 citizens, 3 mSv or more and less than 4 mSv; and 0 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.9% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B88)

For the decontamination special areas in Naraha Town, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in April 2012. The decontamination by the government was completed in March 2014.

(4) Demographics (Plaintiff A559; Defendant B79, 89, 122 and 197)

The number of registered residents was 8,011 as of March 11, 2011, while the numbers of registered residents and residents in the Town were 6,831 and 3,853, respectively, as of September 30, 2019. Also, the number of child evacuees was 1,210 (942 within Fukushima Prefecture; 268 outside Fukushima Prefecture) as of April 1, 2012, while it was 749 (658 within Fukushima Prefecture; 91 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Plaintiff A757; Defendant B90 and 165)

A. Public services

Naraha Town Office has moved its office functions to its original main building and resumed services from September 2015. Also, the lifelines (i.e., electricity, water and sewer systems, roads and communications) have recovered in areas other than *tsunami*-hit areas.

With respect to JR Joban Line, Tatsuta and Kido Stations in Naraha Town resumed operations on June 1, 2014; thus, the train operations for Iwaki area resumed thereafter, and those for Tomioka Station area also resumed to Tatsuta and Kido Stations on and after October 21, 2017. Also, the taxi subsidy system for town outings was established, and town shopping bus services (i.e., support for shopping at Kokonara Shopping Centre) are operating.

B. Commercial facilities

In addition to the opening of a publicly established, privately operated commercial facility “Kokonara Shopping Centre” in June 2018, three convenience stores, eight eating/drinking establishments, two service stations, etc., resumed operations, and stationery stores were also opened associated with the reopening of Naraha Junior High School. Moreover, Naraha Branch of Toho Bank and Naraha Branch of JA Fukushima Sakura resumed operations.

C. Educational facilities

In April 2017, a center for early childhood education and care “Aozora Kodomoen” resumed operations, and Narahakita Elementary School, Narahaminami Elementary School and Naraha Junior High School have resumed operations in a collaborative manner.

D. Medical and welfare institutions

Gamou Dental Clinic and Toki Clinic (e.g., internal medicine) resumed medical care in July 2016 and October 2015, respectively. Fukushima Prefectural Futaba Medical Center Affiliated Futaba Fukko Clinic and Futaba Emergency General Medical Support Center were opened in February 2016 and June 2016, respectively. Also, Yamayuri-so Adult Day-care Center resumed operations in November 2015, and an intensive care home “Lily Garden” resumed operations at a reduced scale in March 2016, and NPO Sherpa was established as an organization supporting disabled people in the Town in March 2016.

(6) Residents’ intention survey (Plaintiff A542 and 565)

The Reconstruction Agency, Fukushima Prefecture and Naraha Town conducted the intention survey for Naraha residents from January 4-18, 2017, the results of which were as follows:

A. In response to the question about the current situation and future residence, [1] 17.8% of all the respondents to the survey answered “I have returned to Naraha Town”, [2] 11.5% answered “I will return to Naraha Town as soon as possible”, [3] 23.9% answered “If the conditions are right, I will return to Naraha Town”, [4] 25.2% answered “I will not return to Naraha Town (including those who undertake independent reconstruction in another municipality)”, and [5] 19.8% answered “I have not decided yet whether I will return”. Looking by age group, of the respondents who answered [1] above: 4.3% were 10s-20s; 8.0%, 30s; 12.7%, 40s; 16.6%, 50s; 20.1%, 60s; and 21.2%, 70s or older; of those who answered [2] above: 10.9% were 10s-20s; 11.2%, 30s; 7.2%, 40s; 10.4%, 50s; 10.3%, 60s; and 14.4%, 70s or older; and of those who answered [3] above: 6.5% were 10s-20s; 12.8%, 30s; 16.6%, 40s; 22.2%, 50s; 26.5%, 60s; and 28.1%, 70s or older.

B. In response to the question about the timing of returning to Naraha Town, 25.7% of the respondents who answered [2] or [3] in paragraph A above said “within six months”, 25.7% said “within one year”, 23.3% said “within two years”, 5.3% said “within three years”, 6.9% said “within five years”, and 5.0% said “after five years”.

C. In response to the question about the information that they consider as the condition for returning, 61.3% of the respondents who answered [3] in paragraph A above said “improvement and expansion of medical facilities”, 52.7% said “Reopening and enhancement of commercial facilities”, 52.3% said “Reinforcement of crime prevention”, 49.5% said “Elimination of anxiety about daily life water (e.g., tap water), and 47.9% said “There are concerns about the safety of the nuclear power plant (i.e., the statuses of restoration from the accident and of reactor decommissioning)”.

D. For the respondents who answered [4] in paragraph A above, their reasons to do so were as follows: “There are not enough medical facilities” (43.6%); “There remain concerns over the safety of the nuclear power plant” (43.6%); “There are only a small number of people living around my home” (33.8%); “There are concerns about the safety of daily life water (e.g., tap water)” (32.4%); and “There are not enough commercial facilities that have reopened” (31.7%).

E. For the respondents who answered [5] in paragraph A above, their reasons to do so were as follows: “Sufficiency of medical facilities” (60.9%); “There are

concerns about the safety of the nuclear power plant (i.e., the statuses of restoration from the accident and of reactor decommissioning)” (56.2%); “Security situation in the Town” (52.8%); “Status of reopening/sufficiency of commercial facilities” (44.9%); and “Measures to ensure daily life water (e.g., tap water)” (44.6%).

7. Hirono Town

(1) Trends in air radiation doses (Defendant B82, 149, 154 and 188)

The results of measurement of air dose rates in Hirono Town (at Hirono Town Office) are as follows:

Measurement date	Measured value
September 30, 2011	0.429
September 30, 2012	0.143
September 30, 2013	0.13
September 30, 2014	0.114
September 30, 2015	0.13
September 30, 2016	0.124
September 28, 2017	0.108
September 28, 2018	0.105
August 21, 2019	0.087
November 1, 2019	0.082

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 1,109 Hirono citizens who took such examination by August 2019, there was no examinee whose committed effective dose was 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 1,901 Hirono citizens as the survey subjects was as follows: 1,839 citizens were exposed to less than 1 mSv; 58 citizens, 1 mSv or more and less than 2 mSv; 2 citizens, 2 mSv or more and less than 3 mSv; 0 citizens, 3 mSv or more and less than 4 mSv; and 0 citizens, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.9% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B83 and 84)

Hirono Town formulated the Radioactive Substances Decontamination Implementation Plan in Hirono Town (Version 1) in December 2011, the Decontamination Implementation Plan in Hirono Town (Version 2) in June 2012, the Decontamination Implementation Plan in Hirono Town (Version 3) in July 2013, the Decontamination Implementation Plan in Hirono Town (Version 4) in August 2013, and the Decontamination Implementation Plan in Hirono Town (Version 5) in March 2016. All the decontamination based on the Decontamination Implementation Plans in Hirono Town above was completed as of July 2017.

(4) Demographics (Plaintiff A571; Defendant B79, 85, 122 and 190)

The number of registered residents was 5,490 as of March 11, 2011, while the numbers of registered residents and returned residents were 4,802 and 4,209, respectively, as of September 30, 2019. Also, the number of children evacuees was 970 (707 within Fukushima Prefecture; 263 outside Fukushima Prefecture) as of April 1, 2012, while it was 107 (92 within Fukushima Prefecture; 15 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Defendant B86 and 161)

A. Public services

Hirono Town Office has moved its office functions to its original main building and resumed services from March 2012. Also, the lifelines (e.g., roads, water and sewer systems) have resumed.

With respect to JR Joban Line, the train operations between Hirono and Iwaki Stations resumed from October 10, 2011, and the train operations to the areas of Tatsuta and Tomioka Stations were also resumed in turn thereafter. Also, in addition to the resumption of the Town Bus services (free of charge) (15 services a day for three routes), the route bus services “Express Tomioka Station – Naraha, Hirono and Iwaki Stations” and the highway express bus services “Sendai – Hirono, Iwaki” line are in operation.

B. Commercial facilities

In addition to the opening of a publicly established commercial facility “Hirono Terrace” (i.e., five places of business such as Aeon Hirono Store, a home improvement shop and an eating/drinking establishment), five convenience stores are operating, and home-delivery services are also carried out by the commercial and industrial association. Also, Japan Post Bank (post office), Abukuma Shinkin Bank, Hirono Branch of JA Fukushima Sakura resumed operations.

C. Educational facilities

Kindergartens, and nursery, elementary and junior high schools resumed operations. Also, Prefectural Futaba Future High School opened in April 2015.

D. Medical and welfare institutions

Takano Hospital, Baba Clinic, Hirono Pharmacy have provided medical care, etc., and Niizuma Dental Clinic has resumed operations twice a week. Also, in addition to the resumption of an intensive care home “Hanabusa-en”, and an adult day-care center “Kouou-sou”, seven other facilities such as a support facility for persons with disabilities “Koyo Aisei-en” started operations in May 2016.

8. Kawauchi Village

(1) Trends in air radiation doses (Defendant B91, 152, 166 and 202)

The results of measurement of air dose rates in Kawauchi Village (at Kawauchi Village Office) are as follows:

Measurement date	Measured value
September 30, 2011	0.169
September 30, 2012	0.126
September 30, 2013	0.101
September 30, 2014	0.088

September 30, 2015	0.087
September 30, 2016	0.082
September 28, 2017	0.081
September 28, 2018	0.078
August 21, 2019	0.078
November 1, 2019	0.078

(2) Results of health survey (Defendant B155, 156 and 189)

A. According to the results of internal exposure examinations with whole-body counters in the Fukushima Health Management Survey conducted by Fukushima Prefecture, among a total of 617 Kawauchi villagers who took such examination by August 2019, there was 1 examinee whose committed effective dose was 1 mSv or more.

B. According to the results of estimation of external radiation exposure in the Fukushima Health Management Survey conducted by Fukushima Prefecture, the breakdown of the cumulative external exposure doses in the four months after the occurrence of the Accident for 1,333 Kawauchi villagers as the survey subjects was as follows: 963 villagers were exposed to less than 1 mSv; 350 villagers, 1 mSv or more and less than 2 mSv; 16 villagers, 2 mSv or more and less than 3 mSv; 1 villager, 3 mSv or more and less than 4 mSv; and 0 villagers, 4 mSv or more and less than 5 mSv. This suggests that approximately 99.8% of the survey subjects were exposed to less than 5 mSv.

(3) Status of decontamination (Defendant B92)

For the decontamination special areas in Kawauchi Village, the Ministry of the Environment established the Decontamination Implementation Plan for Special Areas in April 2012. The decontamination by the government was completed in March 2014.

(4) Demographics (Plaintiff A558; Defendant B79, 93, 122 and 167)

The number of registered residents was 3,038 as of March 11, 2011, while the number of evacuees was 512 (377 within Fukushima Prefecture; 135 outside Fukushima Prefecture), and the number of people living in the Village was 2,165 (917 households) as of September 1, 2018. Also, the number of child evacuees was 279 (204 within Fukushima Prefecture; 75 outside Fukushima Prefecture) as of April 1, 2012, while it was 119 (97 within Fukushima Prefecture; 22 outside Fukushima Prefecture) as of April 1, 2018.

(5) Status of reconstruction (Defendant B167)

A. Public services

Kawauchi Village Office has been in operation at its main building.

The clinic bus services resumed operations, and two bus lines linked to the inland areas and one bus line linked to the coastal areas started operations in April 2012 and April 2018, respectively.

B. Commercial facilities

In addition to the resumption of the operations of a farmers' market store (i.e., where agricultural products are mainly sold) "Are-kore Market", a publicly established, privately operated commercial complex "YO-TASHI" was opened in March 2016, and a convenience store is in operation. Also, Kawauchi Post Office,

Kamikawauchi Post Office, Kawauchi Branch of JA Fukushima Sakura and Kawauchi Branch of Koriyama Shinkin Bank resumed operations.

C. Educational facilities

Nursery, elementary and junior high schools resumed operations.

D. Medical and welfare institutions

Kawauchi Village National Health Insurance Clinic resumed medical treatment, etc. Also, in addition to the resumption of nursing care insurance services by the Council of Social Welfare at Kawauchi Medical Welfare Complex Yufune, and of the operations of a group home for older adults with dementia "Kogen no Ie", an intensive care home was opened in November 2015.

(6) Residents' intention survey (Plaintiff A540)

The Reconstruction Agency, Fukushima Prefecture and Kawauchi Village conducted the intention survey for Kawauchi residents from November 14-28, 2016, the results of which were as follows:

A. In response to the question about the current residence, [1] 55.0% of all the respondents to the survey answered "The home at the time of occurrence of the earthquake", [2] 22.7% answered "A living place other than the home at the time of occurrence of the earthquake", and [3] 15.7% answered "I stay sometimes at the home where I lived at the time of occurrence of the earthquake and sometimes at another living place".

B. In response to the question about their future living places, 52.8% of the respondents who answered [2] or [3] in paragraph A above said "I wish to live (or already live) in Kawauchi Village"; looking by age group, 33.3% of those were 10s-20s; 41.2%, 30s; 37.9%, 40s; 47.7%, 50s; 56.9%, 60s; and 61.8%, 70s or older.

In response to the question about the timing of returning to Kawauchi Village, 37.1% of the respondents who answered "I wish to live (or already live) in Kawauchi Village" said answered "I have already lived in Kawauchi Village", 31.5% said "within one year", 4.0% said "within three years", 6.5% said "within five years", and 16.1% said "I would like to live in Kawauchi Village sometime although I have not decided when".

C. In response to the question about their future living places, 20.0% of the respondents who answered [2] or [3] in paragraph A above said "I wish to live somewhere other than Kawauchi Village". For the respondents who answered "I wish to live somewhere other than Kawauchi Village" above, their reasons to do so were as follows: [1] with respect to the premise of returning and health, 27.7% said "There are concerns about the safety of the nuclear power plant", 19.1% said "There are concerns that the radiation doses have not decreased", and 17.0% said "there are concerns about the safety of water (e.g., tap water)"; [2] with respect to the recovery status in the Village, 40.4% said "There are concerns about the medical environment", 36.2% said "There is no convenient transportation to go outside Kawauchi Village", and 34.0% said "It is unlikely that commercial facilities necessary for living will recover"; [3] with respect to the future life, 34.0% said "It is more convenient to live in the shelter", 29.8% said "I would like to continue the children's education in the current situation", and 21.3% said "I feel concerns about my livelihood because my household is composed only of a senior person or a person requiring long-term care".

D. In response to the question about their future living places, 24.7% of the respondents who answered [2] or [3] in paragraph A above said “At the moment, I have not decided yet”. For the respondents who answered so, their reasons to do so were as follows: “Prospects when social foundations (infrastructure) such as roads, railway, schools and hospitals will recover” (48.3%); “Enhancement of medical and welfare environment” (41.4%); “Information on assistance for securing housing” (27.6%); “Prospects of how many residents will return” (24.1%); and “Prospects of acquiring a job” (24.1%).

VI. Compensation

1. Methods of compensation calculation

(1) Summary of assertions by the Plaintiffs

A. Home loss/devastation compensation

The Plaintiffs assert that the home loss/devastation compensation is the compensation for the infringement of legal interests that should be called “local life interests” constituting part of the comprehensive right to a peaceful life, and assert the psychological damage caused by the fact that they were deprived into the future of their life in their local areas (due to [1] destruction of local life, [2] loss of working life, [3] destruction of family/home life), and that they were deprived of everything that [4] they had enjoyed thriving on their connection to nature and [5] led their life relying on the hometown as a source of mental peace. Moreover, the Plaintiffs assert that, although local societies have extensive, multi-faceted and multiple roles and functions such as [6] mutual self-sufficiency (alternative function for replacing living costs), [7] economic/psychological mutual support (functions of mutual aid, mutual assistance, and welfare), [8] maintenance of life support function by administrative area (function as an alternative or complement to government), [9] realization of mental communication in local societies through meetings or festivals (personality development function), and [10] maintenance and management of farmland or satoyama (managed woodlands or grasslands near human settlements) (environmental preservation/maintenance functions), and local residents including the Plaintiffs have enjoyed their interests therein (local life interests), they have suffered infringement of their local life interests and thus multiple tangible and intangible types of damage due to the Accident.

B. Evacuation compensation

The Plaintiffs assert that the evacuation compensation is compensation for the psychological damage caused by the infringement of the comprehensive right to a peaceful life and by “being forced to evacuate” and, more specifically, for significant disturbance to their life in their evacuation places. Also, the Plaintiffs assert that they suffered severe stress and psychological distress caused by the physical and emotional distress, disadvantage, inconvenience, anxiety, etc., due to the significant disturbance of their life by being forced to evacuate, to live in other places other than their home for prolonged periods, and by being disturbed over a prolonged period in maintaining and continuing their normal daily life.

(2) Perspectives for consideration

In calculating compensation in the Case, the Court is of the view that, in evaluating the Plaintiffs’ psychological distress and tangible/intangible damage

that are recognized based on the evidence with respect to the infringement of the comprehensive right to a peaceful life, specifically that of local life interests (the outline of the facts and the findings related to the reference to the Original Judgment under Section II.3 above), and in light of the fact that the Defendant admits its liability for the payment of compensation in accordance with the Interim Guidelines set by the Dispute Reconciliation Committee for Nuclear Damage Compensation as mentioned in Section II.1(3) above, it is reasonable to consider the damage by dividing it into the damage that can be evaluated by the compensation standards set by the Defendant and the damage that cannot be completely evaluated thereby.

In this regard, the Defendant has determined the reasonable evacuation periods depending on the levels of evacuation orders (i.e., 75 months for the Difficult-to-return Area, 85 months for the Restricted Residential Area and the Evacuation Order Lifting Preparation Area, and 18 months for the Emergency Evacuation-Prepared Area) and paid 100,000 yen per person per month as compensation for the evacuee life for the relevant period (NB: for the Difficult-to-return Area, additionally 7,000,000 yen as compensation for the prolonged evacuation). Hence, the Court is of the view that it is reasonable, as a compensation evaluation method, to calculate compensation according to the reasonable evacuation periods (compensation for the continuation of the evacuee life), as well as consider the compensation for being forced to evacuate and the compensation for home loss/devastation, as compensation for the damage that cannot be completely evaluated in such calculation, in consideration of the Plaintiffs' assertions and the actual circumstances of the damage.

Provided, however, that, because it is unreasonable to apply such typical compensation calculation method to Plaintiffs [] (20-3), [] (37), [] (47-1), [] (60-3), and [] (82-7) who are in special circumstances with respect to the places of their residences at the time of the Accident and the situations of their evacuation, the calculation method for such Plaintiffs shall be separately considered in Section VI below.

2. Existence/non-existence of any circumstance where the amount of compensation should be increased

(1) Outline of the assertions of the parties

The Plaintiffs assert that it is significantly vicious and blamable that the Defendant had not taken any measures that should be taken for the safety of the Fukushima Daiichi Nuclear Power Plant and ignored the request from a citizen group to take measures against earthquakes and *tsunami*, and assert that these facts should therefore be the key elements for increasing the amount of compensation.

On the other hand, in connection with the calculation of the amount of compensation for the psychological damage caused by tort, the Defendant does not dispute that, in the case where an offender has any intention or is in any circumstances involving malice that can be regarded as being equivalent thereto, the imputability to the offender can be also an element to be considered; however, it can be understood that the Defendant's object is to assert that, unless it is found that the Defendant has any intention or gross negligence that

should be deemed equivalent thereto, the Defendant's manner of acts, etc., never constitutes the reason for increasing the amount of compensation, and that it cannot be said that the Defendant has any intention or gross negligence that should be deemed equivalent thereto.

(2) Facts and timeline

As described in the Original Judgment (lines 1 through 22, page 329), by the time around which the Headquarters for Earthquake Research Promotion, which was established by the government in accordance with the Act on Special Measures concerning Earthquake Disaster Management, published the Long-term Evaluation in July 2002, the Defendant had been able to recognize that a huge (M8 class) interplate earthquake might occur in the area along the Japan Trench, including offshore of Fukushima Prefecture, and, by the time around which the Third Study Meeting on Internal and External Overflow Streams (i.e., the study meeting held by the Nuclear and Industrial Safety Agency and the Japan Nuclear Energy Safety Organization (i.e., state-level agencies) in which the Defendant also participated) was held in May 2006, the Defendant had recognized that, in the case of the arrival of a *tsunami* that exceeds the height of the premises of the Fukushima Daiichi Nuclear Power Plant, the power supply equipment might lose its function due to flooding of the turbine building (T/B), thereby resulting in the loss of the function of the reactor's safe shutdown equipment.

Moreover, with respect to the predictability of the inundation height of a *tsunami* in the case of the occurrence of a huge (M8 class) interplate earthquake, the civil engineering survey group of the Defendant received the 2008 *tsunami* trial calculation from Tokyo Electric Power Services Co., Ltd. on April 18, 2008 (the findings in Chapter 3, Section 2, Subsection 1.18(1) of the Original Judgment). This calculation estimates that, if the wave source model of the 1896 Meiji Sanriku Earthquake used by the *Tsunami* Assessment Method is used for the area along the Japan Trench in the offshore area of Fukushima Prefecture, the maximum heights of a *tsunami* will be as follows: O.P. + 15.7 m (flooding depth of 5.7 m) on the south side of the premises (O.P. + 10 m); O.P. + 13.7 m (partially flooded) on the north side of the premises (O.P. + 13 m); O.P. + 8.3-9.2 m (flooding depth of 4.3-5.2 m) at the locations of the intake pumps of Units 1 through 4; O.P. + 12.6 m (flooding depth of 2.6 m) near the center of the Unit 4 reactor building (R/B); and O.P. + 12.0 m (flooding depth of 2.0 m) near the center of the Unit 4 turbine building (T/B).

Hence, it is found that, by the time around April 2008 when the Defendant received such *tsunami* trial calculation, it had recognized that, if a huge (M8 class) interplate earthquake occurred along the Japan Trench in the offshore area of Fukushima Prefecture, it was likely that a *tsunami* would arrive with the magnitude equivalent to the one anticipated in the 2008 *tsunami* trial calculation.

On the one hand, with respect to the request of a citizens group to take measures against *tsunami*, the Fukushima Prefectural Liaison Association for the Safety of Nuclear Power Plants, represented by Plaintiff [] (1-1), requested the Defendant to take drastic measures against *tsunami* for the Fukushima Daiichi and Daini Nuclear Power Plants as of July 24 and December 20, 2007, respectively (the findings in Chapter 3, Section 2, Subsection 1-16).

On the other hand, with respect to the response by the Defendant before the Accident, as described in the Original Judgment (lines 11 through 22, page 330), it can be said that, by at least around April 2008, the Defendant had recognized that it was likely that, at the Fukushima Daiichi Nuclear Power Plant, *tsunami* would arrive with the magnitude equivalent to the one anticipated in the 2008 *tsunami* trial calculation, and likely that the power supply equipment might lose its function due to flooding, thereby resulting in the loss of the function of the reactor's safe shutdown equipment, and, in spite of the repeated requests from the citizen group to take drastic measures against *tsunami*, had not planned or conducted any specific countermeasure work until the occurrence of the Accident, on the grounds such as that the 2008 *tsunami* trial calculation was not based on established knowledge.

(3) Consideration

With respect to tort in general, the subjective aspects of acts such as intention or negligence, based on the fault liability principle, constitute the conditions for the occurrence of liability for damages of any person committing the relevant act; the content of "fault" is considered as the breach of the due diligence obligation, for which the existence/non-existence or degree of the predictability and of the avoidability of consequences will be taken into consideration as assumptions. However, in the case such as the Case where Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage is applied, the strict liability is assumed; therefore, the existence/non-existence of intention or negligence of the Defendant as a nuclear operator does not constitute a condition for the occurrence of liability for damages. Then, it cannot necessarily be said that, in determining whether the Defendant's manner of action can constitute the reason for increasing the amount of compensation, it is necessary and appropriate to deem the "intention or negligence" as the subjective aspects of acts in the Case to be the same as "intention or negligence" in the case of tort in general, and thereby consider the existence/non-existence of intention or negligence, or the degree of negligence.

Rather, based on the general assessment of the Defendant's manner of action, etc., as described in Chapter 3, Section 4, Subsection 3 of the Original Judgment, and looking straight from the victims' perspective at the process in which the earthquake and *tsunami*, and then the Accident occurred while the Defendant had postponed planning and carrying out any specific countermeasure work, as described in (2) above, on the grounds such as that the 2008 *tsunami* trial calculation was not based on established knowledge, despite the fact that the Defendant has assumed a grave responsibility for the assurance of safety of its nuclear power plant and located the Fukushima Daiichi Power Plant at this site based on the trust of the local residents on its safety, it must be said that such insufficiencies in the Defendant's response was extremely regrettable, and in this respect, such insufficiencies should be deemed to be the key circumstance to be considered in the calculation of compensation.

3. Compensation for being forced to evacuate

(1) Details of damage and the circumstances to be considered

As determined above, the Plaintiffs suffered a serious accident involving the dispersion of a large amount of radioactive substances caused by the entirely unexpected sudden hydrogen explosion at the Fukushima Nuclear Power Plant installed and operated near their residences, and faced the specific risk of serious radiation damage.

As a result, due to the risk of radiation damage to their lives and bodies, the Plaintiffs received evacuation orders immediately after the Accident and evacuated in a hurry with only the barest necessities. Also, even in the Emergency Evacuation-Prepared Areas, some Plaintiffs received the stay-indoors order, and, in Minamisoma City, some Plaintiffs were similarly and virtually forced to temporarily evacuate.

Such sudden evacuation caused Plaintiffs to experience severance from their local relationships, or, in some cases, the loss of working life or the disturbance of continuity of studies or of the unity of family. Thus, it is found that the Plaintiffs who were forced to evacuate suffered very great psychological distress in their respective circumstances even though their situations varied from one to another.

In light of such circumstances and the Plaintiffs' evacuation situations as determined above, it is found that, among the psychological damage caused by "being forced to live in a shelter" due to the infringement of the comprehensive right to a peaceful life asserted by the Plaintiffs as the grounds for compensation, it is reasonable to calculate the compensation by taking account of the damage and psychological distress suffered by the Plaintiffs due to the very fact that they were forced to evacuate their residences, by distinguishing it from the psychological distress caused by the continuation of the evacuee life.

(2) Amount of compensation for being forced to evacuate

As described in (1) above, the Plaintiffs faced the specific risk of serious radiation damage to their lives and bodies due to a large amount of radioactive substances dispersed from the Fukushima Daiichi Nuclear Power Plant. It can be said that, for this reason, the Plaintiffs suffered significant psychological distress such as by being suddenly deprived of their connection with local society or being forced to start their evacuee life from scratch in an environment that was completely different from the previous one.

It is clear that the risk of radiation damage caused tremendous anxiety to the evacuees because such risk was caused by the unprecedented accident (i.e., the hydrogen explosions at the nuclear power plant), the degree of which cannot be accurately assessed, and because the restoration to original condition in the future can never be predicted, and, in this respect, it can be viewed that the Plaintiffs' psychological distress was also extremely significant.

Moreover, the Plaintiffs were, as described in 2(3) above, forced to evacuate due to the serious accident caused by the Defendant that has assumed a grave responsibility for the assurance of safety of its nuclear power plant and located the Fukushima Daiichi Power Plant based on the trust of the local residents, as a result that the Defendant postponed measures against the damage caused by the tsunami that was fully predictable in advance. From this perspective, it can be viewed that the Plaintiffs' psychological distress of being forced to evacuate increased further. [Underlined by the editor.]

It is reasonable to calculate the compensation for being forced to evacuate with the above implication according to the relevant categories, in consideration of the degree of the specific risk of radiation damage suffered at the bases for living at the time of the Accident, or consideration of the levels of evacuation orders based on such degree, in order to accurately assess the aforementioned details and degrees of the Plaintiffs' damage and psychological distress.

From this perspective, the Court determines that it is reasonable to award the following amounts to the respective Plaintiffs, as the compensation for being forced to evacuate that takes account of the aforementioned damage and psychological distress, according to the categories of the evacuation orders.

For the Plaintiffs who evacuated the areas that used to be the Difficult-to-return Areas, the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas, the compensation of 1,500,000 yen per person is reasonable for any of such areas because the risk of radiation damage and the urgency of evacuation was extremely high in any of such areas and thus because it is considered that they had significant anxiety about their evacuee life in the future. [Underlined by the editor.]

On the other hand, for the Plaintiff who evacuated the areas that used to be the Emergency Evacuation-Prepared Areas, it can be viewed that, even if the degree of their psychological distress at the beginning of their evacuee life is not very different from that in the aforementioned other areas, the degree of their psychological distress was slightly less in terms of the aspects such as the risk of radiation damage and the urgency of evacuation; therefore, the compensation of 700,000 yen per person is reasonable.

(3) Necessity or unnecessity of additional compensation according to individual circumstances

The Defendant has, as described in the respective recitals of the amounts asserted by the Defendant in Tables 2 and 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), paid to some Plaintiffs 100,000 yen as compensation for separation from pets. In light of the individual circumstances of the relevant Plaintiffs, this is found to be the circumstance in which the amount of compensation should be increased as described in (2) above, and the amount paid by the Defendant based on its assessment of such circumstance is considered to be reasonable, and the additional amount corresponding to this increase has already been paid to the relevant Plaintiffs; therefore, it is considered that there is no need to increase the amount of compensation for individual Plaintiffs.

In calculating the amount of compensation for being forced to evacuate in the Case, there can be found no other circumstances where the amount that differs from the above should be determined in consideration of individual circumstances.

4. Compensation for the continuation of the evacuee life

(1) Details of damage and the circumstances to be considered

Even if the compensation for being forced to evacuate is calculated as described in Section VI.3 above, it cannot be said that the stress and psychological distress caused by the physical and emotional distress, disadvantage, inconvenience, anxiety, etc., due to the significant disturbance of

their daily life at shelters after the evacuation will be compensated. Hence, it is reasonable to calculate compensation according to the reasonable evacuation periods (compensation for the continuation of the evacuee life) in consideration of such damage and psychological distress.

(2) Monthly amount of compensation

The Plaintiffs claim the evacuation compensation of 500,000 yen per person (or 700,000 yen per disabled person) per month, without distinguishing it from the compensation described in Section VI.3 above; on the other hand, the Defendant has paid the compensation for the evacuee life of 100,000 yen per person per month in accordance with the Interim Guidelines set out by the Dispute Reconciliation Committee for Nuclear Damage Compensation. The Court determines that it is reasonable to award the compensation for the continuation of the evacuee life of 100,000 yen per person per month for the reasonable evacuation period for the respective Plaintiffs, in addition to the compensation for being forced to evacuate described in Section VI.3 above, taking into consideration the psychological distress suffered by the Plaintiffs due to the evacuee life as determined above. Because all the relevant Plaintiffs were forced to evacuate in the same manner, there is no need to differentiate the monthly amount of the compensation depending on the levels of evacuation orders received by the Plaintiffs.

(3) Reasonable evacuation period

It is reasonable to set the category-based reasonable evacuation periods for which the compensation for the continuation of the evacuee life of 100,000 yen per person per month should be awarded, as described above, depending on the degree of the risk of radiation damage or the levels of evacuation orders at the bases for living at the time of the Accident.

With respect to the Difficult-to-return Areas, the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas, in light of the fact that the evacuation orders for the Restricted Residential Areas and the Evacuation Order Lifting Preparation Areas in Namie and Tomioka towns were lifted on March 31 and April 1, 2017, respectively, it is reasonable to award the compensation for the continuation of the evacuee life for the period of 85 months from the Accident, including a period until March 2018, after the lapse of 1 year which is regarded as a reasonable period for determining whether to continue evacuation or to return home as a result of such lifting of evacuation orders. On the other hand, if the evacuee life continues after the aforementioned period, it will be difficult to continue to consider such extended evacuee life as the continuation of the evacuee life due to the Accident; thus, such extended period should not be considered as part of the compensation for the continuation of the evacuee life. It is therefore reasonable for the actual circumstances, in which more than a few plaintiffs have to continue evacuation, to be considered in the calculation of the compensation for home loss/devastation.

For the Difficult-to-return Areas, the Defendant has paid the compensation for the evacuee life of 100,000 per month for 75 months until May 2017 and, additionally, the compensation for the prolonged evacuation of 7,000,000 yen. However, considering that the Accident was an unprecedented accident as described above, and that the long period of time passed with the

unforeseeability of the recovery/reconstruction (including decontamination) of, in particular, the Difficult-to-return Areas to which a large amount of radioactive substances were released (see the findings in Section V above), it is considered that there are no reasonable grounds that the Difficult-to-return Areas should be distinguished from the Restricted Residential Areas, etc., in Namie and Tomioka towns with respect to the period for which the compensation for the continuation of the evacuee life should be awarded.

With respect to Naraha Town, and Odaka Ward, Minamisoma City, evacuation orders for the Restricted Residential Areas and the Evacuation Order Lifting Preparation Areas were lifted on September 5, 2015 and July 12, 2016, respectively, earlier than Namie and Tomioka towns, and 11 Plaintiffs from Naraha Town have returned to the Town. However, in light of the Plaintiffs' actual circumstances and the status of local recovery/reconstruction after the evacuation as determined above, it is reasonable to admit the period of 85 months as the reasonable evacuation period for such areas, in a similar manner with Namie and Tomioka towns.

Also, it is unreasonable to differentiate the period, for which the compensation for the continuation of the evacuee life will be awarded, depending on whether the Plaintiffs returned before the reasonable evacuation period above. This is because it can be found that even the Plaintiffs who returned to home earlier than the end of the reasonable evacuation period continued to experience the psychological distress as harsh as the Plaintiffs who continue their evacuee life because their life does not necessarily get back to normal immediately.

Also, with respect to those who filed the action as Plaintiffs but died before the lapse of the reasonable evacuation period, it is reasonable, taking into consideration their despair over the death in evacuee life, to calculate the compensation for the continuation of the evacuee life based on the same evacuation period as above.

With respect to the Emergency Evacuation-Prepared Areas, it is reasonable to award the compensation for the continuation of the evacuee life for the period of 18 months from the Accident, including a period until August 2012 after the lapse of 1 year from the lifting of the evacuation order on September 30, 2011, which is regarded as a reasonable period for determining whether to continue evacuation or to return home. On the other hand, if the evacuee life continues after the aforementioned period, it will be difficult to continue to consider such extended evacuee life as the continuation of the evacuee life due to the Accident; thus, such extended period should not be considered as part of the compensation for the continuation of the evacuee life. It is therefore reasonable for the actual circumstances to be considered in the calculation of the compensation for home loss/devastation.

(4) Necessity or unecessity of additional compensation according to individual circumstances

The Defendant has, as described in the respective recitals of the amounts asserted by the Defendant in Tables 2 and 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), admitted the additional compensation for the life in shelters, etc. (20,000 yen per month), the additional compensation for persons requiring long-term care, etc., and paid such compensation to some Plaintiffs. In light of

the Plaintiffs' individual circumstances in their evacuee life, this is found to be the circumstances in which the amount of compensation should be increased as described in (2) above, and the amount paid by the Defendant based on its assessment of such circumstances is considered to be reasonable; therefore, it is considered that there is no need to increase the amount of compensation for individual Plaintiffs. In addition, the Plaintiffs assert that the amount of compensation for the disabled should be increased; however, the Court does not admit the need to take account of the additional compensation for the disabled, beyond the additional compensation for persons requiring long-term care, etc., as described above.

Also, the Defendant has, as described in the respective recitals of the amounts asserted by the Defendant in Tables 2 and 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), admitted and paid to some Plaintiffs the additional compensation of 350,000 yen (i.e., 7 months from September 2012 to March 2013 × 50,000 per month) for the psychological damage concerning school life, etc., in connection with the life of evacuees, etc., in the area that used to be the Emergency Evacuation-Prepared Area. In light of the Plaintiffs' individual circumstances in their evacuee life, this is found to be the circumstances in which the amount of compensation should be increased, and the amount paid by the Defendant based on its assessment of such circumstances is considered to be reasonable; therefore, it is considered that there is no need to increase the amount of compensation for individual Plaintiffs.

5. Compensation for home loss/devastation

(1) Details of damage and the circumstances to be considered

As described in 1(1) above, the Plaintiffs assert that the home loss/devastation compensation is the compensation for the infringement of legal interests that should be called "local life interests" constituting part of the comprehensive right to a peaceful life, and also assert that such legal interests include the elements such as that the residents in such areas used to collect mushrooms, bamboo shoots, edible wild plants, etc., which grew wild in the mountains and forests, catch fish in the river or sea, and harvest and consume rice and vegetables at their fields or home gardens, and that relationships of voluntary cooperation or mutual assistance (e.g., in which residents shared the aforementioned crops, or voluntarily cooperated in farming, ceremonial occasions for the coming of age, marriage, funeral and ancestral worship, childcare and nursing care) had taken root.

It can be said that these natural and social environmental conditions enabled the residents to acquire, free of charge, such property and services that cannot usually be acquired free of charge unless they were placed under such conditions (i.e., economic aspect). At the same time, it can also be said that, through their connection with the natural environment and their mutually close relationships, the residents had a strong sense of belonging to their community and obtained a sense of ease by living in such community (i.e., mental aspect).

The "home" asserted by the Plaintiffs refers to the totality of natural and social environmental conditions as one of the aforementioned foundations that supports the life of the residents in their communities. In this respect, it can be said that the natural environmental conditions were impaired due to the

contamination by the release of radioactive substances caused by the Accident, and that the social environmental conditions were impaired by all or part of close mutual ties among the residents in local communities were severed because the local residents were suddenly forced to evacuate the areas that were contaminated or likely to be contaminated due to the release of radioactive substances.

In this respect, on the provisional conditions that the totality of natural and social environmental conditions as the livelihood foundations of the residents in such local areas is called as “home”, and that such “home” is considered as interests that deserve legal protection, giving order to compensate for the damage caused by the infringement of interests due to the Accident is rather appropriate as the modality of the assessment of damage (i.e., with respect to the damage that cannot be completely reflected in the compensation only by calculating the compensation for being forced to evacuate or the compensation for the continuation of the evacuee life as described above) reflecting the reality of the damage in which the residents of the entire local communities were forced to evacuate and were not allowed to return home easily, and in which, even if they are allowed to return home, the local community was devastated.

From this perspective, the Court shall take account of the tangible and intangible damage and the psychological distress due to the loss/devastation of home, and calculate the compensation for home loss/devastation as the compensation for the psychological damage due to the destruction/loss of life at home before evacuation, separately from the compensation for being forced to evacuate.

(2) Amount of compensation for home loss/devastation

The Court determines that, with respect to the reality of the actual circumstances of home loss/devastation, it is reasonable to calculate the amounts as described below according to the categories of evacuation orders at the bases for living at the time of the Accident, by reflecting the magnitude of damage and the actual circumstances of home loss/devastation due to such magnitude, based on the outline of the facts and the findings described in Section II.3 above and the findings in Section V above.

With respect to the Difficult-to-return Areas, it is acceptable to consider that the interests in living a local community life have been completely lost towards the future, and that the home has been lost, because there is no prospect that the residents can return home even after eight years have passed since the Accident. That is, with respect to the Plaintiffs who had the bases for living in the Difficult-to-return Areas, there is no prospect of when they can return home even at the moment; therefore, it is considered unlikely that their hope of returning home will in reality be realized in the future. Considering this, it is reasonable to award 6,000,000 yen as the home loss compensation.

With respect to the Restricted Residential Areas and the Evacuation Order Lifting Preparation Area, it is found that, even if the evacuation orders are lifted, thereby allowing the residents to return home within six years after the Accident, it is significantly difficult to regain the previous local community life after the lapse of such a long period of time, and the interests in living a local community life were lost due to home devastation, thereby causing the tangible and

intangible damage and psychological distress. In calculating the amount of compensation, although it is necessary to take into consideration that the residents have been, from an objective point of view, in a condition that they can return home, and that the lifelines in the relevant areas have been physically recovered to a certain degree by the reconstruction project; however, at the same time, it also needs to be considered that, even if they return home, they will be unable to recover the previous life, and will continue to experience significant inconvenience in life. Hence, in consideration of the degree of the infringement of interests in living a local community life and the possibility that the local society will gradually recover through the progress of recovery/reconstruction in the future, it is reasonable that the Plaintiffs of such areas be awarded the compensation for home loss of 1,000,000 yen.

The evacuation orders were lifted for the Emergency Evacuation-Prepared Areas after six months since the Accident; however, even if normal life becomes possible under the evacuation system, there is no denying that the local community life was, in reality, considerably damaged due to the evacuation of many local residents. If considering the above and also the actual circumstances where the recovery/construction has been promoted relatively earlier, it is reasonable that the Plaintiffs of such areas be awarded the compensation for home devastation of 500,000 yen. [Underlined by the editor.]

6. Exceptions to the determination concerning individual Plaintiffs

(1) Plaintiff [] (20-3)

As described in Section 2(1) in Exhibit 8 of the Original Judgment, because this Plaintiff is found to have used a hospital in Iwaki City as its base for living, it is reasonable to award, as with the original decision, the compensation up to the extent of 80,000 yen, taking into consideration the circumstances in which such Plaintiff was forced to transfer to another hospital.

(2) Plaintiff [] (37)

As described in Section 2(2) in Exhibit 8 of the Original Judgment, in light of the fact that this Plaintiff lived away from home in Iwaki City, in which his family lived, in order to work in Tomioka Town, and was at work in Tokai Village, Ibaraki Prefecture at the time of occurrence of the Accident and thereafter continued staying in the company dormitory there, it is reasonable to award, as with the original decision, the compensation up to the extent of 1,500,000 yen, taking into consideration the infringement of life interests of the Plaintiff in Tomioka Town in which such Plaintiff worked away from home.

(3) Plaintiff [] (47-1)

As described in the relevant recital of the amounts asserted by the Defendant in Tables 2 and 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs), this Plaintiff reached a settlement by ADR and agreed with the Defendant on the payment of the compensation of 6,760,000 yen for the evacuee life for the period from March 2011 through May 2017.

Hence, for this Plaintiff, taking into consideration the details of the ADR settlement above and the actual circumstances of evacuation as described in Exhibit 7 of the Original Judgment, it is reasonable to award the compensation of 15,260,000 yen in total (the same amount as awarded in the original decision) calculated by adding [1] the compensation for being forced to evacuate of

1,500,000 yen, [2] the compensation for the continuation of the evacuee life of 7,760,000 yen (i.e., the agreed ADR settlement amount of 6,760,000 yen, plus 100,000 yen per month × 10 months from June 2017 to May 2018 after the period covered by the ADR settlement agreement), and [3] the compensation for home loss of 6,000,000 yen.

(4) Plaintiff [] (60-3)

As described in Section 2(3) in Exhibit 8 of the Original Judgment, it is not found that this Plaintiff was forced to evacuate because its residence as a base for living was in Ayase City, Kanagawa Prefecture, and even if the other assertions are taken into consideration, this Plaintiff cannot be considered as the infringement of interests to be protected by law; therefore, no compensation shall be awarded.

(5) Plaintiff [] (82-7)

As described in Section 2(5) in Exhibit 8 of the Original Judgment, it is not found that this Plaintiff was forced to evacuate because its residence as a base for living was in Toyama City, Toyama Prefecture, and even if the other assertions are taken into consideration, this Plaintiff cannot be considered as the infringement of interests to be protected by law; therefore, no compensation shall be awarded.

VII. Property damage

With respect to the property damage of Plaintiffs [] (2), [] (37), [] (38-1) and [] (51-1) who objected to the original decision in which their property damage claims were dismissed, the Court also determines, as with the original decision, that such property damage claims were admitted up to the extent of the amount asserted by the Defendant in Table 3 of Exhibit 4 (Basic Information, etc., about the Plaintiffs) and compensated up to the extent of the damages paid by the Defendant shown in Table 2 thereof. Unless otherwise complemented below, the reason is as described in Chapter 3, Section 3 of the Original Judgment. In addition, the Defendant also appeals against the original decision with respect to its part in which the Plaintiffs' claim for the property damage was partially awarded, but admits its liability for the payment of compensation therefor.

Although Plaintiff [] (51-1) asserts that it has terminated at least in 2002 a substitute performance agreement dated as of November 20, 2001 which was entered into with b, gives a statement to the same effect (page 29 of Examination of this Plaintiff), and presents a confirmation letter (Plaintiff C51-22) prepared by b, such assertion cannot be trusted in light of the historical data of Registry (Plaintiff C51-3) that differs therefrom. Also, this Plaintiff asserts that, with the assumption that it has the right for use by loan of the land and buildings, the replacement value of such land and buildings should be compensated. However, as described in the Original Judgment (lines 5 through 16, page 295), the loss of economic interests in the use of residential real estate including land will be covered by the compensation for damage in securing housing. Hence, the property damage with respect to the right for use by loan shall not be admitted in addition thereto.

VIII. Conclusion

1. Compensation

Excluding the amount for which the increase is admitted depending on individual circumstances and paid by the Defendant, the amounts of compensation to the Plaintiffs (other than those mentioned in Section 6.6 above) are as indicated below, depending on their bases for living at the time of the Accident. In this respect, it is admitted that the Defendant has an obligation to pay the remaining amount calculated by deducting the paid amount shown in Table 2 of Exhibit 4 (Basic Information, etc., about the Plaintiffs) (the amounts in brackets below are the amounts of compensation for which the Defendant admits its obligation to pay) from the aforementioned amount of compensation.

(1) Difficult-to-return Areas: 16,000,000 yen (compensation amount: 14,500,000 yen)

[1] Compensation for being forced to evacuate: 1,500,000 yen

[2] Compensation for the continuation of the evacuee life: 8,500,000 yen

[3] Compensation for home loss: 6,000,000 yen

(2) Restricted Residential Areas or Evacuation Order Lifting Preparation Areas: 11,000,000 yen (compensation amount: 8,500,000 yen)

[1] Compensation for being forced to evacuate: 1,500,000 yen

[2] Compensation for the continuation of the evacuee life: 8,500,000 yen

[3] Compensation for home loss: 1,000,000 yen

(3) Emergency Evacuation-Prepared Areas: 3,000,000 yen (compensation amount: 1,800,000 yen)

[1] Compensation for being forced to evacuate: 700,000 yen

[2] Compensation for the continuation of the evacuee life: 1,800,000 yen

[3] Compensation for home loss: 500,000 yen [Underlined by the editor.]

2. Property damage

The property damage shall be admitted up to the extent that the Defendant admits its obligation to pay, property damage in excess of such extent will not be admitted.

3. Attorneys' fees

It is reasonable that the attorneys' fees shall be 10% of the amount in excess of the amount of damage for which the Defendant admits its obligation to pay.

4. Determination concerning the appeals

(1) Plaintiffs from the Difficult-to-return Areas

With respect to the Plaintiffs who had the bases for living in the Difficult-to-return Areas, there are grounds for their secondary claim to seek damages based on the Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage, to the extent of seeking the payment of the sum of 1,650,000 yen composed of the remaining amount of 1,500,000 yen calculated by deducting the damages of 14,500,000 yen (i.e., the compensation amount for which the Defendant admits its obligation to pay) from the compensation of 16,000,000 yen above (in the case where the paid amount is less than 1,500,000 yen, the shortfall will be added), and the attorneys' fees of 150,000 yen (for the Plaintiffs who have claimed the property damage, the amount of the property damage for which the Defendant admits its obligation to pay shall be added), as well as the late charge accrued thereon at a rate of 5% per annum as specified in the Civil Code from the date of the Accident until payment in full is made.

The part of the Original Judgment, in which the aforementioned Plaintiffs' secondary claim is admitted (paragraph 2 of the main text of the judgment) and the other claims are dismissed (paragraph 3 of the main text of the judgment), is reasonable. Such Plaintiffs' appeal and the Defendant's appeal against such Plaintiffs shall be dismissed because such appeals have no grounds (the text of paragraph 3 of the main text of the judgment).

(2) Plaintiffs from the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas

With respect to the Plaintiffs who had the bases for living in the Restricted Residential Areas or the Evacuation Order Lifting Preparation Areas, there are grounds for their secondary claim to the extent of seeking the payment of the total of 2,750,000 yen composed of the remaining amount of 2,500,000 yen calculated by deducting the damages of 8,500,000 yen (i.e., the compensation amount for which the Defendant admits its obligation to pay) from the compensation of 11,000,000 yen above (in the case where the paid amount is less than 2,500,000 yen, the shortfall will be added), and the attorneys' fees of 250,000 yen (for the Plaintiffs who has claimed the property damage, the amount of the property damage for which the Defendant admits its obligation to pay shall be added), as well as the late charge accrued thereon.

Hence, there are grounds for the part of the Original Judgment, in which the secondary claim of such Plaintiffs (excluding the Plaintiffs mentioned below who have received the payment from the Defendant after the original judgment) is admitted (paragraph 2 of the main text of the judgment), with respect to the total of 1,650,000 yen composed of the compensation of 1,500,000 yen and the attorneys' fees of 150,000 yen (provided, however, that, for the Plaintiffs who received relatively small amounts of compensation, the shortfall shall be added; for some Plaintiffs, the property damage shall be added), plus the late charge; therefore, the Court shall dismiss the Defendant's appeal against the above because such appeal has no grounds (the text of paragraph 3 of the main text of the judgment). Provided, however, that, the part of paragraph 2 of the main text of the judgment concerning such Successors has ceased to be effective and partially changed as described in provisos in paragraph 3 and paragraph 4 of the main text of the judgment, due to the succession of the action by the Successors of late [] and to the withdrawal of the action with respect to the property damage, which occurred based on the division of legacies.

With respect to the part of the Original Judgment in which the other secondary claims of the Appellant-Plaintiffs above were dismissed (paragraph 3 of the main text of the judgment), the part, in which the claims for the difference of 1,100,000 yen between the amount of damage of 2,750,000 yen admitted by the Court and the amount awarded in the original decision of 1,650,000 yen, and for the late charge accrued thereon was dismissed, is unreasonable. Hence, the Court shall change the original judgment based on such Plaintiffs' appeal, order the Defendant to pay the aforementioned payment to such Plaintiffs in addition to the amount awarded in the first instance (paragraph 1(1) of the main text of the judgment), and dismiss the other secondary claims because the part that the other claims (i.e., including those for the property damage) was dismissed is reasonable (paragraph 1(2) of the main text of the judgment). The Plaintiffs who

succeeded the action by inheritance shall divide the additional amount to be awarded according to the inheritance share of each, and the fraction shall be divided in consideration of the Successors' appealed amounts. In addition, with respect to Plaintiff [] (61-1), the original decision awarded only 1,300,000 yen out of the remaining amount of 2,200,000 yen calculated by deducting the paid amount of 6,300,000 yen from the amount of damages for compensation of 8,500,000 yen for which the Defendant admits its obligation to pay; therefore, the Court shall additionally award the difference of 900,000 yen in this instance.

With respect to Plaintiffs [], [], [], [] and [] (77-1 through 77-5) whose amount paid (excluding the amount of increase due to individual circumstances) increased by 4,500,000 yen after the original judgment, the secondary claim should be admitted only to the extent of the claim for the payment of 5,250,000 yen calculated by adding the additional amount awarded in this instance of 1,100,000 yen to, and deducting the increased paid amount of 4,500,000 yen from, the amount awarded in the original decision of 8,650,000 yen, and the other claims should be dismissed; therefore, the Court shall change the original judgment based on the Defendant's appeal (paragraph 2 of the main text of the judgment).

(3) Plaintiffs from the Emergency Evacuation-Prepared Areas

With respect to the Plaintiffs who had the bases for living in the Emergency Evacuation-Prepared Areas, there are grounds for their secondary claim only to the extent of the claim for the payment of the total of 1,320,000 yen composed of the remaining amount of 1,200,000 yen (in the case where the paid amount is less than 1,200,000 yen, the shortfall shall be added) calculated by deducting the damages of 1,800,000 yen, for which the Defendant admits its obligation to pay, from the aforementioned compensation of 3,000,000 yen, and the attorneys' fees of 120,000 yen, plus the late charge accrued thereon.

Hence, there are grounds for the part of the Original Judgment, in which it admits such Plaintiffs' secondary claim (paragraph 2 of the main text of the judgement) for the total of 770,000 yen (however, for Plaintiff [] (6) whose paid amount is small, such shortfall shall be added) calculated by adding the compensation of 700,000 yen and the attorneys' fees of 70,000 yen, plus the late charge (the text of paragraph 3 of the main text of the judgment); therefore, the Court shall dismiss the Defendant's appeal against the above because such appeal has no grounds.

In the part of the Original Judgment in which such Plaintiffs' other secondary claims were dismissed (paragraph 3 of the main text of the judgment), the part, in which the claim for the difference of 550,000 yen between the amount of damage of 1,320,000 yen admitted by the Court and the amount of 770,000 yen awarded in the original decision, and for the late charge accrued thereon were dismissed, is unreasonable; hence, the Court shall change the original judgment based on such Plaintiffs' appeal, order the Defendant to pay the aforementioned payment to such Plaintiffs in addition to the amount awarded in the first instance (paragraph 1(1) of the main text of the judgment), and dismiss the other secondary claims because the part that the other claims (i.e., including those for the property damage) was dismissed is reasonable (paragraph 1(2) of the main text of the judgment).

(4) Plaintiffs in Section VI.6

The part of the Original Judgment in which the secondary claim by Plaintiffs [] (37) and [] (47-1) were partially admitted (paragraph 2 of the main text of the judgment) is reasonable; therefore, the Court shall dismiss the Defendant's appeal seeking the revocation of such part. The part in which the secondary claims by Plaintiffs [] (20-3), [] (37) and [] (47-1) were partially dismissed (paragraph 3 of the main text of the judgment), and the part in which the secondary claims by Plaintiffs [] (60-3) and [] (82-7) were entirely dismissed (paragraph 3 of the main text of the judgment) are also reasonable; therefore, the Court shall also dismiss such Plaintiffs' appeal. (paragraph 3 of the main text of the judgment).

(5) Appeal concerning the primary claim

The part of the Original Judgment in which the Plaintiffs' primary claim was dismissed (paragraph 1 of the main text of the judgment) is reasonable; therefore, the Court shall dismiss the part of the Plaintiffs' appeal in which the revocation of such dismissed part is sought (paragraph 3 of the main text of the judgment).

5. Provisional execution

The damages, the payment of which the Defendant is ordered by the court of original instance and the Court, is based on the obligation of nuclear operators to pay compensation for the nuclear damage set forth in Article 3, paragraph (1) of the Act on Compensation for Nuclear Damage. The Act on Compensation for Nuclear Damage intends to ensure the protection of the victims (Article 1), and it is understood that, from this perspective, the Act has established a simple compensation system that places strict liability on nuclear operators for the compensation of nuclear damage, thereby ensuring prompt relief for victims.

The Defendant has endeavored to pay compensations in accordance with the purpose of the Act on Compensation for Nuclear Damage by setting the compensation standards following the Interim Guidelines set out by the Dispute Reconciliation Committee for Nuclear Damage Compensation. However, the legal nature of the Interim Guidelines set out by the Dispute Reconciliation Committee for Nuclear Damage Compensation remains to serve as general guidelines conducive to the voluntary resolution of disputes by the disputing parties on the compensation for nuclear damage (Article 18, paragraph (2), item (ii) of the Act on Compensation for Nuclear Damage). The Interim Guidelines also states that it is necessary to pay attention not to leave uncompensated any individual damage not stated in the Interim Guidelines, it is expected that prompt, fair and adequate compensation (including that for nuclear damage not stated in the Interim Guidelines) will be given by the Defendant.

If parties to a dispute resort to judicial settlement because it is difficult for them to settle the dispute voluntarily, taking account of the aforementioned legal nature, with respect to the widespread damage caused by the radioactive substances released due to the Accident, in order to promptly, fairly and adequately help the residents, etc., who were forced to evacuate, it is considered that respecting the purpose or significance of the Interim Guidelines that specify the damage items that allow a certain classification of damage to be compensated, and the scope of such damage items, may contribute to

appropriate dispute settlement. However, on the other hand, it is clear that the Interim Guidelines do not serve as the standards for any and all individual dispute settlements from their legal nature and purpose. It is also the purpose of the Act on Compensation for Nuclear Damage specifically prescribing the nuclear operators' liability for compensation to, while taking into consideration the purpose of the Interim Guidelines, respect judicial rulings to be given in accordance with constitutional procedures prepared for the cases where voluntary dispute settlement is difficult, and to ensure the prompt relief of victims; therefore, it is understood that, with acceptance on this point, the Act characterizes the legal nature of the Interim Guidelines.

The Court expects the Defendant's appropriate response in full light of the significance of judicial rulings and the purpose of the Act on Compensation for Nuclear Damage that ensures prompt relief of victims.

The Court dismisses the Defendant's petition seeking a declaration of provisional execution for the part of the original judgment in which it ordered the Defendant to pay compensation (excluding the part changed in this judgment) and the part of this judgment in which the Court orders the Defendant to pay compensation, and seeking a declaration of derogation of provisional execution, because there are no grounds for such petition.

The Second Civil Division, Sendai High Court

Presiding Judge: KOBAYASHI Hisaki

Judge: SUGIURA Masanori

Judge: MATSUKAWA Mayumi

Exhibit 1: List of the Plaintiffs

Exhibit 2: List of Attorneys for the Plaintiffs

Exhibit 3: List of Amounts Awarded

Exhibit 4 "Basic Information, etc., about the Plaintiffs"

Exhibit 4 (Basic Information, etc., about the Plaintiffs) is as indicated in the Supplementary Volume.

Exhibit 5: List of the Corrections to the Original Judgment

Judgment document: Supplementary Volume (Exhibit 4: Basic Information, etc., about the Plaintiffs)

[Editor's note: This case is, among mass tort actions after the he Fukushima Daiichi Nuclear Power Plant Accident, leading appellate court's decision. In general, the appellate court held as same as the Court's first trial.

First, due to TEPCO's inadequate accident countermeasures, the amount of compensation claims was increased. Contrary to this case, in Japan, court has been traditionally reluctant to order such punitive damages.

Second, conventionally, in Japan, because the object mental damage is to compensate such a mental suffering, mental damages is indivisible, although this decision divides mental suffering into, such as, that for evacuation and for loss of the hometown.]

