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When I was a young attorney barely out of law school, I took over the case to stop the restart of the Three Mile Island Unit 1 nuclear reactor on behalf of the local community group, Three Mile Island Alert. (To refresh everyone's memory — and for anyone not born then — on March 28, 1979, Three Mile Island Unit 2 experienced a partial-meltdown in what is still the worst commercial nuclear accident in U.S. history.)

We challenged the competence and character of the company seeking to restart the plant — General Public Utilities (GPU). We had a pretty good case. Company officials created the conditions that led to the accident, then withheld the information about its seriousness from the public, state and federal officials for two days. This was even though the plant was minutes from melting down, which would have spewed lethal radioactivity far and wide. After the accident, company officials lied to the government regarding its causes and covered up facts, which eventually led to the criminal conviction of the company that ran the reactor, GPU subsidiary Metropolitan Edison Co. Rather than fire anyone, GPU rewarded and promoted those who were responsible and who had lied. GPU engaged in an ongoing post-accident cover-up of the accident's seriousness. There's more, but that gives you some idea.

Unfortunately, nothing was going to stop the federal government from restarting that plant, and so it did. I'll never forget what happened at TMI, and this is why I have become horribly uncomfortable as news trickles out about the BP calamity.

There are many freaky coincidences between these two events, which ironically involve two new energy priorities for this administration: nuclear power and offshore oil drilling. Here are just a few:

Never Supposed to Happen

At TMI, the nuclear core was uncovered for approximately 2 and a half hours until a shift supervisor finally guessed that water was leaving the reactor through a stuck-open valve. Workers shut the valve, but not in time to prevent much of the radioactive core from melting and much radiation from escaping. This was a "beyond design basis" scenario, meaning it was never supposed to happen — although extensive evidence later revealed that the company's actions caused the accident and may have even damaged the valve.

In BP's case, a valve failed to close. The company called this valve "failsafe." It therefore failed to install any safety back up that might have stopped the spill — although there is evidence that a back up system could have and should have been installed. The result is an unprecedented environmental disaster.

Don't Worry — It's Under Control

The morning of the TMI accident, state officials announced "Everything is under control. There is no danger to the public health and safety." The company knew this to be untrue. Eventually (two days later), pregnant women and children within a five-mile radius were evacuated but by then, most of the danger had passed.

The day after the BP's explosion, BP and Coast Guard officials said there was a small leak. No reason to be alarmed. In fact, the leak was five times bigger than first thought. They now estimate that 210,000 gallons are gushing out each day. Others think this is a significant underestimation.

Finger-Pointing

In TMI's case, GPU never accepted full responsibility for the accident. In fact, it sued TMI's designers, Babcock and Wilcox Co., for $4 billion, but dropped the case, reaching an out of court settlement, after many days of trial and the accumulation of an extensive record of new evidence showing that GPU engaged in a post-accident cover-up.

Similarly, BP is pointing the finger everywhere. As the *New York Times* recently wrote, BP "is emphatic about blaming the rig's owner and operator, a Swiss company called Transocean, for the accident. Two other companies — Halliburton, which handled a critical procedure about a day before the accident, and Cameron International, which made the blowout preventer that failed to engage — have also found themselves caught in the swirl of litigation and finger-pointing."

Liability Cap

No one disputes that the nuclear industry would not exist without the Price-Anderson Act, a government back up that caps company liability at $10 billion in the event of a serious accident, with taxpayers on the hook for the rest.

Similarly, deep water drilling would not exist without a liability cap, which is currently a paltry $75 million for offshore spills, $1 billion per incident. Legislation to raise the cap to $10 billion and remove the per incident limitation is before Congress. Passage of this is urgent, but many believe that any cap, which prevents companies like BP from being assessed the full cost of damages it inflicts, is bad public policy.

After TMI, the nuclear industry was quick to say that the accident had a sobering effect and that serious accidents would never happen again. However, both the nuclear and oil industries' records reflect grudging acquiescing to safety and refusals to acknowledge problems or take effective steps to prevent accidents. The problem is not one of old technology or failed systems that are fixable. The problem is the corporate culture that permeates the energy industry, a culture that protects problem-ridden energy sources even if it means failing to protect the public or properly compensating those they hurt.

A month after the TMI accident, President Carter announced his strong support for an expanded nuclear power program. Within days, close to 100,000 people poured into Washington for a massive rally to demand an end to the United State's growing dependence on nuclear power. A moratorium on new plants held for three decades. This is clearly a new day and a brand new public outcry is what's needed to end offshore drilling, stop the resurgence of nuclear power, and ensure a safe and clean energy future.